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# FEDERAL REGISTER

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# Rules and Regulations

## Title 6—AGRICULTURAL CREDIT

### Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 3, Wheat]

### PART 421—GRAINS AND RELATED COMMODITIES

### Subpart—1961-Crop Wheat Loan and Purchase Agreement Program

BASIC SUPPORT RATES; CORRECTION

Amendment 3 of 1961 C.C.C. Grain Price Support Bulletin 1, Supplement 2, Wheat (26 F.R. 8963, September 23, 1961), is corrected by changing § 421.147 (b) as follows:

1. The basic support rate for Benton County, Indiana, is changed from $1.86 to $1.87 per bushel.

2. The basic support rate for Ferry County, Washington, is changed from $1.55 to $1.58 per bushel.

3. The name of a county in Illinois is changed from Piatt to Platt.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed in Washington, D.C., on October 23, 1961.

ROBERT G. LEWIS,
*Acting Executive Vice President,*
*Commodity Credit Corporation.*

[F.R. Doc. 61-10267; Filed, Oct. 26, 1961; 8:50 a.m.]

## Title 7—AGRICULTURE

### Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 612, Revocation]

### PART 301—DOMESTIC QUARANTINE NOTICES

### Subpart—Khapra Beetle

REVOCATION OF ADMINISTRATIVE INSTRUCTIONS DESIGNATING CERTAIN PREMISES AS REGULATED AREAS

Pursuant to § 301.76-2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76-2) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), administrative instructions issued as 7 CFR 301.76-2a (26 F.R. 9504), effective October 7, 1961, are hereby revoked, effective October 27, 1961. However, such instructions shall be deemed to continue in full force and effect for the purpose of sustaining any action or other proceeding with respect to any right that accrued, liability that was incurred, or violation that occurred prior to said date.

This revocation relieves restrictions by removing from the list of premises in which infestations of the khapra beetle have been determined to exist all premises now listed therein and terminating designation of such premises as regulated areas within the meaning of such quarantine and regulations, it having been determined by the Director of the Plant Pest Control Division that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises. Therefore, it is considered safe to release them from regulation. This revocation removes from regulation under the Khapra Beetle Quarantine the only remaining premises retained in the latest revision of the administrative instructions effective October 7, 1961.

The revocation relieves restrictions deemed unnecessary and must be made effective promptly in order to be of maximum benefit to persons wishing to move regulated products from these premises. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing revocation are impracticable, and since the revocation relieves restrictions it may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 8, 37 Stat. 318, as amended; sec. 9, 37 Stat. 318; 7 U.S.C. 161, 162; 19 F.R. 74, as amended; 7 CFR 301.76-2)

Done at Washington, D.C., this 24th day of October 1961.

[SEAL] LEO G. K. IVERSON,
*Acting Director,*
*Plant Pest Control Division.*

[F.R. Doc. 61-10264; Filed, Oct. 26, 1961; 8:50 a.m.]

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### Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 2]

### PART 722—COTTON

### Subpart—Regulations Pertaining to Marketing Quotas for Extra Long Staple Cotton of the 1961 and Succeeding Crops

MISCELLANEOUS AMENDMENTS

The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment is to make minor language changes arising out of organizational changes in the Department of Agriculture and to make certain other changes. The principal changes are as follows: (1) References to Commodity Stabilization Service are changed to Agricultural Stabilization and Conservation Service, (2) references to State administrative officer are changed to State executive director, and (3) § 722.117(c) is clarified to show more specifically the reasons for denying a producer an unrestricted marketing card.

Since these changes are minor in nature and the 1961 crop of cotton is being harvested and marketed, it is hereby determined that compliance with the notice, public procedure and effective date provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall become effective upon filing of this document with the Director, Office of the Federal Register.

The Regulations Pertaining to Marketing Quotas for Extra Long Staple Cotton of the 1961 and Succeeding Crops (26 F.R. 5489, 7758, 8069) are hereby amended as follows:

§ 722.102 [Amendment]

1. Subparagraphs (2), (3), (9), and (16) of § 722.102(a) are amended to read as follows:

(2) The terms "Secretary", "Deputy Administrator", "State committee", "county committee", "community committee", "State executive director", "county office manager", "operator", and "person" as defined in Part 719 of this chapter, as amended, shall apply to the regulations in §§ 722.101 to 722.152. In Puerto Rico, the Caribbean ASC Area Committee, shall, insofar as applicable, perform the functions of the State committee and the county committee and the Director, Caribbean ASCS Area Office shall, insofar as applicable, perform the functions of the State executive director.

(3) "Director" means the Director, or Acting Director, Cotton Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

* * * * *

(9) "State and county code" means the applicable number assigned by the Agricultural Stabilization and Conservation Service to each State and county for the purpose of identification.

* * * * *

(16) "Normal yield for any county" for a crop year means the average yield per harvested acre of ELS lint cotton for the county, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined, as established by the Director, with the approval of the Administrator of Agricultural Stabilization and Conser-

vation Service. If for any year of such five-year period actual yield data are not available or there was no actual yield, the yield for such year shall be appraised by taking into consideration the yields in years for which data are avaliable, abnormal weather conditions, and the yields for such year in nearby counties in which the type of soil, topography, and farming practices are similar. If because of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield in any year of such five-year period is less than 75 percent of the average (computed without regard to such year), such year shall be eliminated in calculating the normal yield per acre for the county. The normal yield determined for a county shall be kept readily available to the public in the county office and the normal yield determined for each county in a State shall be kept readily available to the public in the State office.

§ 722.117 [Amendment]

2. Section 722.117(c) is amended to read as follows:

(c) *Producers to whom marketing cards will not be issued to enforce the provisions of the act.* Notwithstanding any other provisions of this section, the county committee shall deny any producer a marketing card for a crop year if it determines that such action is necessary to enforce the provisions of the act in such crop year or in the event one or more producers on the farm are indebted to the Commodity Credit Corporation or another agency of the United States, the county committee shall deny all producers on such farm a marketing card for a crop year to enforce the provisions of the act and the Agricultural Act of 1949, as amended, in such crop year; *Provided, however,* That in case of such indebtedness the county committee may issue such producers a marketing card identified as Form MQ–76–R ELS Cotton with an "X" entered in the box "Not eligible unless loan documents approved by county commitee". *Provided Further,* That the county committee shall not deny any producer a marketing card for a crop year solely because the farm operator or his representative has failed to sign the report of acreage for such crop year.

3. Section 722.131 is amended to read as follows:

**§ 722.131 Remittance of penalty to the county committee treasurer.**

The county committee treasurer for and on behalf of the Secretary, shall receive the penalty and any interest due thereon and issue a receipt therefor to the person remitting the penalty as required by established fiscal procedure. The penalty and interest shall be remitted only in legal tender, or by check, draft, or money order drawn payable to the order of Agricultural Stabilization and Conservation Service, U.S.D.A. All checks, drafts, or money orders tendered in payment of the penalty and interest shall be received by the county committee treasurer subject to collection and payment at par.

4. Section 722.132 is amended to read as follows:

**§ 722.132 Deposit of funds.**

All funds received by the county committee treasurer in connection with penalties for ELS cotton shall be scheduled and transmitted by him on the day received or not later than the morning of the next succeeding business day, to the State committee, which, in accordance with applicable instructions, shall cause such funds to be deposited to the credit of the Treasurer of the United States. In the event the funds so received are in the form of cash, the county committee treasurer shall deposit such cash in the county committee bank account and issue a check in the amount thereof payable to Agricultural Stabilization and Conservation Service, U.S.D.A., and transmit such check to the State committee. The county committee treasurer shall make and keep a record of each amount received by him showing the name of the person who remitted the funds, the identification of the farm or farms for which the funds were remitted, and the names of the persons who marketed the ELS cotton in connection with which the funds were remitted.

5. Section 722.135 is amended to read as follows:

**§ 722.135 Report of violations and court proceedings to collect penalty.**

The county office manager shall report in writing to the State executive director each case of failure or refusal to pay the penalty or to remit the same as provided in §§ 722.101 to 722.152 to the county committee treasurer when collected. The State executive director shall report each such case in writing to the Office of the General Counsel of the United States Department of Agriculture, in accordance with instructions issued by the deputy administrator, with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to collect the penalties as provided in section 376 of the act.

§ 722.136 [Amendment]

6. Section 722.136(c) is amended to read as follows:

(c) *Requests for reports.* Each ginner, upon written request of the State committee, State executive director, or county committee, shall make a report showing the information provided for in this section, or any part thereof as specified in the request, with respect, to ELS cotton ginned for the person or persons specified in the request or for the period of time specified in the request. This report shall be filed not later than the date designated by the State committee, State executive director, or county committee in the written request for such report.

§ 722.137 [Amendment]

7. Section 722.137(g) is amended to read as follows:

(g) *Buyer's record and report.* In the event the county committee, the State committee, or State executive director has reason to believe that any buyer failed or refused to collect or to remit the penalty required to be collected by him for any ELS cotton which he purchased, or otherwise in any manner failed or refused to comply with §§ 722.101 to 722.152, the buyer shall, within fifteen days after a written request therefor by either the county committee, State committee, or State executive director is sent to him by certified mail at his last known address, make a report verified as true and correct on Form MQ–100—Cotton (ELS) to the designated county committee treasurer with respect to ELS cotton purchased or acquired by him from the person or persons specified in the request or purchased or acquired by him during the period of time specified in the request. Such report shall include the following information for each bale of ELS cotton, and each lot of ELS cotton less than a bale, purchased by such buyer: (1) The name and address of the producer from whom the ELS cotton was purchased; (2) the date on which the ELS cotton was purchased; (3) the original gin bale number, or if there is no gin bale number, the gin bale mark or other information showing the origin or source of the ELS cotton and, in the case of ELS cotton purchased in the seed, the number of pounds of ELS seed cotton and the known or estimated amount of lint in such seed cotton; (4) the net weight of each bale of ELS cotton, and of each lot of ELS lint cotton less than a bale, purchased from the producer; (5) the amount of penalty required to be collected under §§ 722.101 to 722.152 and the amount of penalty collected in connection with the ELS cotton purchased from the producer; and (6) the serial number of the marketing card or marketing certificate or a brief description of the loan document by which the ELS cotton was identified when marketed (if the ELS cotton was identified by a loan document when marketed, enter the loan number and the crop year or the form number of the CCC loan document and the date of the loan).

8. Section 722.140 is amended to read as follows:

**§ 722.140 Availability of records kept by ginners, buyers, transferees, warehousemen, and others.**

Each ginner, buyer, transferee, warehouseman, processor (including compressman), common carrier, or other person as defined in section 373(a) of the act, who gins, buys, stores, processes (including compressing) transports as a common carrier or otherwise deals with ELS cotton from, for, or on behalf of the producer thereof, shall make available for examination and inspection by the Secretary or by any authorized representative of the Secretary, the records kept in his business concerning such cotton for the purpose of ascertaining the correctness of any report made or record kept pursuant to §§ 722.101 to 722.152 or of obtaining the information required to be furnished in any report pursuant to §§ 722.101 to 722.152 but not so furnished. The records to be kept pursuant to the

provisions of §§ 722.136, 722.137, 722.138, and 722.139 shall be kept available for examination and inspection by the Secretary, or by any authorized representative of the Secretary, until December 31 of the second year following the year in which the ELS cotton is planted, for the purpose of ascertaining the correctness of any report made or record kept pursuant to §§ 722.101 to 722.152 or of obtaining the information required to be furnished in any report pursuant to §§ 722.101 to 722.152 but not so furnished. Such records shall be kept for such longer period of time as may be requested in writing by the State executive director or by the director.

§ 722.142 [Amendment]

9. Section 722.142(a) is amended to read as follows:

(a) *Necessity for records and reports.* Each person who produced in any crop year, ELS cotton which is subject to the provisions of §§ 722.101 to 722.152 shall, in conformity with section 373(b) of the act, keep the records and make the reports prescribed by this section, which records and reports the Secretary hereby finds to be necessary to enable him to carry out, with respect to ELS cotton, the provisions of the act. The records required to be kept pursuant to this section shall be kept until December 31 of the second year following the year in which the ELS cotton is planted, or for such longer period of time as may be requested in writing by the State executive director or by the director.

10. Section 722.142(c) is amended to read as follows:

(c) *Farm operator's report.* The operator of the farm shall file with the county committee treasurer for the county in which the farm is located a farm operator's report on Form MQ–98—Cotton (ELS) in the following cases: (1) Where the producer is making an application for a downward adjustment in the farm marketing excess pursuant to § 722.112 except that the county committee may waive this requirement in case it determines that the evidence otherwise submitted by the producer is satisfactory evidence of the actual production of ELS cotton on the farm; (2) where a farm marketing excess is determined for the farm but an application for downward adjustment has not been filed and the county office manager or the State executive director requests the report in writing; and (3) where a farm marketing excess is not established but the county office manager or the State executive director determines that a farm operator's report is necessary for proper administration of §§ 722.101 to 722.152 and requests such report in writing. Upon written request by the county office manager or State executive director for a farm operator's report on Form MQ–98—Cotton (ELS), the operator of the farm shall make the report in the manner specified in this paragraph not later than the date designated by such committee in its request. Form MQ–98—Cotton (ELS) shall show for the farm the following information or any part thereof as specified in such request for a specified crop year: (i) The date harvesting of the crop of ELS cotton was completed on the farm, the date of the last ginning of ELS cotton produced on the farm, and the acreage planted to ELS cotton on the farm; (ii) the total number of pounds of ELS lint cotton ginned from the crop of ELS cotton; (iii) the name and address of each ginner who ginned such cotton and the number of and net weight of bales or lots less than a bale ginned by him; (iv) the total amount of ELS seed cotton of the crop marketed; (v) the total amount of ELS lint cotton of the crop marketed; (vi) the amount of unmarketed ELS cotton of the crop on hand; (vii) the total number of pounds of ELS lint cotton produced from such crop; (viii) the name and address of each buyer or transferee of such crop ELS lint or seed cotton and the amount thereof marketed to him; and (ix) the amount of penalty paid by the producer or collected by the buyer or transferee.

11. Section 722.144 is amended to read as follows:

§ 722.144 Enforcement.

The county office manager shall report in writing in quadruplicate to the State executive director each case of failure or refusal to make any report or keep any record as required by §§ 722.101 to 722.152 and so to report each case of making any false report or record. The State executive director shall report each such case in writing, in triplicate, to the Office of the General Counsel of the United States Department of Agriculture, in accordance with instructions issued by the deputy administrator, with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to enforce the provisions of the act.

§ 722.149 [Amendment]

12. Section 722.149(a) is amended to read as follows:

(a) *Designation of representatives.* In order to carry out the provisions of §§ 722.136 to 722.140, relating to the examination of records, the deputy administrator is hereby authorized and directed to designate in writing with the counter signature of the State executive director, an appropriate number of persons from the officers or employees of the Department of Agriculture to act as the authorized representatives of the Secretary for the purposes of said provisions. In addition, investigators and accountants (special agents), Investigation Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, are hereby designated as authorized representatives of the Secretary for the purposes of said provisions.

(Secs. 301, 362, 363, 365–368, 372–374, 375, 388, 52 Stat. 38, 62, 63–65, 66, as amended, 68 secs. 344–347, 63 Stat. 670, as amended, 674, 675 as amended; 7 U.S.C. 1301, 1362, 1363, 1365–1368, 1372–1374, 1375, 1388, 1344–1347)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 23, 1961.

ROBERT G. LEWIS,
*Acting Administrator, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 61–10265; Filed, Oct. 26, 1961; 8:50 a.m.]

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[Amdt. 14]

## PART 728—WHEAT

### Subpart—Regulations Pertaining to Farm Acreage Allotments for 1960 and Subsequent Crops of Wheat

DETERMINATION OF 1962 FARM BASE ACREAGE

*Basis and purpose.* The amendment herein is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and is for the purpose of providing that the 1962 farm base acreage for any farm in the Tulelake area of California to which the provisions of Public Law 86–385 were applicable shall be determined in the same manner as for other farms in the applicable counties in which the area is located. Special dispensation had previously been granted to this group of farms because of the expiration of Public Law 86–385 and the requirement of that law that the increased acreage of durum wheat (class II) grown on acreage allotments increased under the Act be taken into consideration in determining future acreage allotments. New legislation has been enacted (Public Law 87–357) for the Tulelake area for the years 1962 and 1963 and the special provision adopted for this group of farms prior to such new legislation is no longer necessary.

It is important that State and county committees be notified of the amendment herein as soon as possible in order that revised allotment notices for 1962 may be issued. Accordingly, it is hereby found that compliance with the public notice, procedure and 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the amendment shall become effective upon its publication in the FEDERAL REGISTER.

Section 728.1017b(b) is amended by deleting subparagraph (6) and by redesignating subparagraph "(7)" as subparagraph "(6)".

(Secs. 334, 375, 377, 52 Stat. 53, as amended, 66, 71 Stat. 592, as amended; 7 U.S.C. 1334, 1375, 1377)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on: October 23, 1961.

ROBERT G. LEWIS,
*Acting Administrator, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 61–10266; Filed Oct. 26, 1961; 8:50 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Reg. Docket No. 747]

[Special Civil Air Regulation No. SR–424C and Special Civil Air Regulation No. SR–444; Amdt. 1]

## PART 60—AIR TRAFFIC RULES

### Requirement for Coded Radar Beacon Transponder Equipment

The Federal Aviation Agency gave notice in Draft Release No. 61–10, published in the FEDERAL REGISTER on May 20, 1961, that amendments to Special Civil Air Regulations Nos. SR–424C, Positive Air Traffic Control Areas and Positive Air Traffic Control Routes, and SR–444, Jet Advisory Areas, were under consideration. The purpose of these amendments was to establish a requirement for the use of coded radar beacon transponders during flight within positive control areas and jet advisory areas.

Operation of an aircraft equipped with an uncoded, or Basic Mark X, radar beacon transponder within these areas is currently permitted by regulation. Adoption of this rule will establish a requirement for the use of coded transponders and Basic Mark X equipment will no longer satisfy the requirements of SR–424C and SR–444.

Use of the coded radar beacon transponder will reduce "clutter" on the radar scope, thereby improving the quality and usability of the radar presentations and increasing selectivity in the identification and flight following of aircraft. This will, in turn, enhance the capability of air traffic control to provide the type of air traffic control service required in positive control and jet advisory areas.

With only one exception, written comments received in response to Draft Release No. 61–10 endorsed the proposed amendment.

Mooney Aircraft, Incorporated, commented in opposition to the proposal, contending that installation of radar beacon transponder equipment in general aviation aircraft is not currently practical. It was stated that there are currently no radar beacon transponders available which are of a weight and cost acceptable to the operators of light aircraft. The Aerospace Industries Association (AIA), while not opposing the proposed rule, tempered its endorsement with a recommendation that the effective date either be omitted or established no earlier than July 1, 1962. The AIA estimated that procurement and installation of coded transponders in military and general aviation aircraft undergoing flight test could not be completed prior to that date. The AIA contended that obtaining approval to traverse radar jet advisory areas is impractical for flight test aircraft not equipped with coded transponders.

In considering these comments, it must first be pointed out that the requirement for a radar beacon transponder for flight in positive control areas and jet advisory areas has previously been established by the adoption of SR–424C in August of 1960 and SR–444 in February of 1961. The amendments adopted herein do not modify these existing requirements except to specify the type of transponder which must be used. It does not appear that any significant hardship will be imposed upon those persons whose aircraft do not currently meet the requirements of SR–424C and SR–444. Any burden resulting from adoption of this amendment will fall upon those persons currently operating aircraft with Basic Mark X transponders in positive control areas and jet advisory areas. Such aircraft must be retrofitted to meet the new standards. The Department of Defense, a significant user of positive control and jet advisory areas, has retrofitted the majority of the military aircraft affected by this rule. The comments received in response to the draft release indicate that only a small number of other operators will be affected by adoption of this amendment and that, in most of these cases, the operators have already initiated action to procure and to install the required coded transponder.

SR–444, Jet Advisory Areas, provides means for VFR and VFR-on-top aircraft which are not equipped with a functioning transponder to obtain authorization to transit radar jet advisory areas. The Agency recognizes that certain flight test operations cannot be conducted effectively if the flight crew is required to obtain in-flight approval to cross radar jet advisory areas and it has been concluded, therefore, that the effective date of the amendment to SR–444 should permit adequate time to re-equip with coded transponders. It appears that an effective date of March 1, 1962, for the amendment to SR–444, will provide adequate time to retrofit these aircraft with coded radar beacon transponders.

The Agency has also considered the burden which would be imposed by the immediate adoption of the proposal to amend SR–424C, Positive Air Traffic Control Areas, and concludes that the existing rule has adequate provisions for air traffic control to authorize the operation of aircraft equipped with Basic Mark X transponders. The granting of authorizations to these aircraft relieves the burden which might otherwise be imposed on the operators. In view of this means of obtaining relief when justified, it has been concluded that the effective date for the amendment to SR–424C should be December 1, 1961.

In its comments, the Aircraft Owners and Pilots Association recommended that the rule be modified to show the number of codes required in the transponder. The rule has been so modified.

The Air Traffic Control Association, Chapter 15, concurs with the proposal but suggests that rules action be delayed until the air traffic control ground equipment is capable of taking advantage of the improved airborne equipment. An adequate ground environment is necessary to make maximum utilization of radar beacon equipment and those facilities presently providing positive control service, as well as the Air Defense Command facilities from which flight following and radar advisory service is provided to civil turbojet air carrier flights, do have the decoding capability. Many of the FAA facilities programmed to participate in the expansion of positive control service have already received delivery of decoder equipment and delivery of such equipment to all centers so programmed is expected prior to July 1962.

Experience gained from the Positive Control Evaluation conducted at Indianapolis, Indiana, and Chicago, Illinois, clearly indicates a requirement to amend SR–424C to provide for those properly equipped aircraft which experience radar beacon transponder failure after departure. Experience shows that air traffic control has the capability, in most cases, to permit such a flight to continue operating within or to enter and transit positive control areas. Such approval would, of course, be based on current or forecast traffic conditions and would be granted on an individual basis. Procedures governing the issuance of such approval have been issued to air traffic control facilities. Accordingly, SR–424C has been amended to permit the provision of such service.

In consideration of the foregoing, Special Civil Air Regulation No. SR–424C is hereby amended effective December 1, 1961, and Special Civil Air Regulation No. SR–444 is hereby amended effective March 1, 1962, as follows:

1. Special Civil Air Regulation No. SR–424C by changing all reference to Subnote 1 to Subnote 2, by adding a new Subnote 1 and by amending paragraph (1) (c) (2) to read as follows:

(2) Be equipped with a coded radar beacon transponder, having a Mode 3/A 64 code capability, which shall be operated to reply to Mode 3/A interrogation with the code specified by air traffic control; *Provided,* That in the event a radar beacon transponder failure is experienced in flight, air traffic control may approve operation within positive control area.[1]

2. Special Civil Air Regulation No. SR–444 by amending Subnote [2] and by amending paragraphs 3(a) (i) and 3(a) (ii) to read as follows:

(a) *In radar jet advisory areas.* (i) Pilots of aircraft equipped with a coded radar beacon transponder, having a Mode 3/A 64 code capability, shall operate the transponder to reply to Mode 3/A interrogation with the code specified by air traffic control.[2]

(ii) Pilots of aircraft not equipped with a functioning coded radar beacon transponder, having a Mode 3/A 64 Code capability, shall obtain specific prior authorization from air traffic control, except that flights unable to obtain authorization because of radio failure may transit jet advisory areas by maintaining the appropriate VFR cruising flight level specified in § 60.32 of the Civil Air Regulations.

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[1] Mode A is identical to military Mode 3. For purposes of brevity and clarity, it is referred to herein as Mode 3/A.

[2] Mode A is identical to military Mode 3. For purposes of brevity and clarity, it is referred to herein as Mode 3/A. Mode 3/A requirements and other detailed operational procedures for the radar beacon transponder are published in the Airman's Guide and are also depicted on Flight Information Publication—"En Route—High Altitude (U.S.)" and U.S. Coast and Geodetic Survey Radio Facility Chart—"High Altitude—En Route."

(Secs. 313(a), 307(c) of the Federal Aviation Act of 1958, 72 Stat. 752, 749; 49 U.S.C., 1354, 1348)

Issued in Washington, D.C. on October 23, 1961.

N. E. HALABY,
*Administrator.*

[F.R. Doc. 61-10233; Filed, Oct. 26, 1961; 8:46 a.m.]

## Chapter III—Federal Aviation Agency

### SUBCHAPTER C—AIRCRAFT REGULATIONS

[Regulatory Docket No. 931; Amdt. 353]

### PART 507—AIRWORTHINESS DIRECTIVES

### Lockheed 049, 149, 649, 749, and 1049 Series Aircraft

Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), an amendment to airworthiness directive 59-7-3 (Amendment 23), was adopted on October 13, 1961, and made effective immediately as to all known United States operators of Lockheed 49-46, 149-46, 649-79, 649A-79, 749-79, 749A-79, and 1049 Series Aircraft as specified in AD 59-7-3. This amendment removed limitations on acceptable welds which had been substantiated as unnecessary.

Since this amendment afforded relief to operators of Lockheed 49-46, 149-46, 649-79, 649A-79, 749-79, 749A-79, and 1049 Series Aircraft and imposed no additional burden on any person, notice and public procedure thereon were unnecessary and good cause existed for making this amendment effective immediately as to all known U.S. operators of Lockheed 49-46, 149-46, 649-79, 649A-79, 749-79, 749A-79, and 1049 Series Aircraft by individual telegram dated October 13, 1961. It is hereby published in the FEDERAL REGISTER as an amendment to 507.10(a) of Part 507 (14 CFR Part 507), to make it effective as to all persons:

Amendment 23 (AD 59-7-3), 24 F.R. 4651, is amended by deleting the last three paragraphs and inserting the following:

Any cylinder exhibiting a cracked weld shall be immediately removed from service and replaced with a cylinder that has passed a radiographic inspection of the entire periphery of the weld without indication of cracks. If no indication of cracking is found as a result of the radiographic inspection of the complete periphery of the weld no further special inspections are necessary.

(Lockheed Service Letter FS/233354 covers this same subject.)

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated October 13, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 20, 1961.

G. S. MOORE,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 61-10232; Filed, Oct. 26, 1961; 8:45 a.m.]

### SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-FW-55]

### PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS, AND HIGH ALTITUDE NAVIGATIONAL AIDS

### Alteration of Jet Route

On July 29, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6818) stating that the Federal Aviation Agency (FAA) proposed to alter Jet Route No. 40 from Montgomery, Ala., to Charleston, S.C.

The Air Transport Association of America (ATA) agreed with the proposal as submitted, but recommended that the docket be expanded to include an extension of J-40 from Charleston direct to Wilmington, N.C., and that an associated jet advisory area be designated along this route from Montgomery to Wilmington. The FAA presently has under consideration the extension of this route and the designation of the jet advisory area, as proposed by the ATA. If these proposals are found to be practicable, they will be made the subject of future rule making action.

The Department of the Army offered no objection to the proposed amendment. No other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the Notice, the following action is taken:

In § 602.100 Jet Routes (26 F.R. 7079) Jet Route No. 40 is amended to read:

Jet Route No. 40 (Montgomery, Ala., to Charleston, S.C.).

From Montgomery, Ala., via the INT of the Montgomery 068° and the Macon, Ga., 268° radials; Macon; to Charleston, S.C.

This amendment shall become effective 0001 e.s.t., December 14, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 23, 1961.

D. D. THOMAS,
*Director, Air Traffic Service.*

[F.R. Doc. 61-10234; Filed, Oct. 26, 1961; 8:46 a.m.]

[Airspace Docket No. 61-WA-58]

### PART 618—HIGH DENSITY AIR TRAFFIC ZONES AND AIRPORTS

### Revocation of Part

The purpose of this action is to revoke Part 618 of the regulations of the Administrator, High Density Air Traffic Zones and Airports.

On October 7, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER, as Regulatory Docket No. 531, Draft Release 60-17 (25 F.R. 9868) stating that the Federal Aviation Agency was considering a proposal to amend Civil Air Regulations, Part 60, § 60.18 *Operation on and in the vicinity of an airport.*

It was stated in the notice that the principal objectives of the proposal were to standardize procedures at controlled airports and, to the extent possible, to provide for the uniform application of traffic pattern rules which would enhance both the safety of airport flight operations and the abatement of aircraft noise as it affects adjacent communities. The notice also advised that the adoption of the provisions proposed therein would result in discontinuance of high density air traffic zones and airports, because most of the substance of the regulations applicable thereto, imposing limitations on airspeeds and requirements for two-way radio, would be extended to include all airports where a Federal airport control tower was in operation.

On September 27, 1961, Regulatory Docket No. 531 was published in the FEDERAL REGISTER as a Final Rule generally adopting the basic provisions set forth in the notice (Civil Air Regulations Amendment 60-24, 26 F.R. 9069, effective December 26, 1961). As anticipated, all reference to high density air traffic zones and airports was omitted from Part 60, § 60.18. Since adoption of Amendment 60-24 removes the basis for the designation of high density air traffic zones and airports, action is taken herein to revoke Part 618 in its entirety.

Since the action taken herein imposes no additional burden on any person, notice and public procedure hereon is unnecessary. However, so that this action may become effective on the first scheduled charting date subsequent to the effective date of Civil Air Regulations Amendment 60-24, this amendment shall become effective more than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

Part 618 (14 CFR Part 618) High Density Air Traffic Zones and Airports is revoked in its entirety.

This amendment shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 23, 1961.

D. D. THOMAS,
*Director, Air Traffic Service.*

[F.R. Doc. 61-10235; Filed, Oct. 26, 1961; 8:46 a.m.]

# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

[S.O. 938, Amdt. 2]

### PART 95—CAR SERVICE

### Annulment of the New York Central Railroad Company Embargo

At a session of the Interstate Commerce Commission, Division 3, acting as

an Appellate Division, held at its office in Washington, D.C., on the 23d day of October A.D. 1961.

Upon further consideration of Service Order No. 938 (26 F.R. 8249, 8980, 9132), and good cause appearing therefor:

*It is ordered,* That:

Section 95.938(a) *Annulment of the New York Central Railroad Company embargo.* Service Order No. 938, be and it is hereby amended by substituting the following paragraph (c) for paragraph (c) thereof.

(c) *Expiration date.* This order shall expire at 11:59 p.m., January 31, 1962, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

*Effective date.* This amendment shall become effective at 11:59 p.m., October 31, 1961.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

*It is further ordered,* That copies of this amendment shall be served upon The New York Central Railroad Company and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3 acting as an Appellate Division.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–10252; Filed, Oct. 26, 1961; 8:49 a.m.]

# Title 18—CONSERVATION OF POWER

## Chapter I—Federal Power Commission

[Statement of General Policy No. 62–1]

## PART 2—GENERAL POLICY AND INTERPRETATIONS

### Issuance of Temporary Certificates of Public Convenience and Necessity to Pipeline Companies

October 19, 1961.

Section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c), after setting forth the requirements for obtaining a certificate of public convenience and necessity (i.e., permanent authority), contains the following proviso:

*Provided, however,* That the Commission may issue a temporary certificate in cases of emergency, to assure maintenance of adequate service or to serve particular customers, without notice or hearing, pending the determination of an application for a certificate, and may by regulation exempt from the requirements of this section temporary acts or operations for which the issuance of a certificate will not be required in the public interest. (15 U.S.C. 717f(c))

The vital distinction, from the procedural standpoint, between the provision relating to grant of permanent authority and that pertaining to the issuance of a temporary certificate is that the latter may be accorded without notice or hearing.

While the Commission has, on occasion, interpreted the proviso rather broadly, it is our view that the notice and hearing procedure should be accorded unless there is an emergency and the proposed enlargement or extension of facilities is comparatively minor.

The Commission finds:

(1) The statement issued herein concerns a matter of interpretation and general policy which does not require notice or hearing under section 4(a) of the Administrative Procedure Act.

(2) Early dissemination of the Commission's interpretation of the proviso referred to herein is in the public interest. Good cause therefore exists to bring it to the immediate attention of persons affected thereby.

The Commission, acting pursuant to the authority of the Natural Gas Act, as amended, particularly sections 7 and 16 thereof (52 Stat. 824, 8:30; 56 Stat. 83; 15 U.S.C. 717f, 717o), orders:

(A) Effective upon issuance of this statement, Part 2, Subchapter A, General Rules, Chapter I of Title 18 of the Code of Federal Regulations, is amended by adding a new § 2.57 to read as follows:

**§ 2.57 Temporary certificates—pipeline companies.**

The Federal Power Commission will exercise the emergency powers set forth in the second proviso of section 7(c) of the Natural Gas Act to authorize in appropriate cases, by issuance of temporary certificates, comparatively minor enlargements or extensions of an existing pipeline system. It will not be the policy of the Commission, however, to proceed summarily, i.e., without notice or hearing, in cases where the proposed construction is of major proportions. Pipeline companies are accordingly urged to conduct their planning and to submit their applications for authority sufficiently early so that compliance with the requirements relating to issuance of permanent certificates of public convenience and necessity (when those requirements are deemed applicable by the Commission) will not cause undue delay in the commencement of necessary construction.

(B) The Secretary shall cause prompt publication of this statement to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 61–10245; Filed, Oct. 26, 1961; 8:47 a.m.]

# Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

## Chapter I—Veterans Administration

## PART 5—THE BOARD ON WAIVERS AND FORFEITURES AND COMMITTEES ON WAIVERS IN FIELD OFFICES

### Instructions Relating to Forfeiture Laws

In § 5.50, paragraph (a)(2) is amended and subdivisions (iii), (iv), and (v) are added to paragraph (c)(3) to read as follows:

**§ 5.50 Instructions relating to forfeiture laws.**

(a) *Effects of the law.* * * *

(2) To provide that where forfeiture was invoked prior to September 1, 1959, the effective date of Public Law 86–222, an original apportionment award may be made to dependents, if otherwise entitled, as provided in 38 U.S.C. 3503(b) and 38 U.S.C. 3504(b). The law does not require discontinuance of apportionment awards on the rolls on that date. Such awards and apportionment awards previously made may be increased, reduced, discontinued, or reinstated. Where forfeiture was declared after September 1, 1959, under Public Law 86–222, no apportionment award will be approved in any case.

* * * * *

(c) *Effective dates.* * * *

(3) *Resumptions.* * * *

(iii) The effective date of an original claim and a reopened claim, not falling within the purview of subdivision (iv) of this subparagraph, will be the date of claim or October 27, 1961, the date of paragraph (a)(2), whichever is the later date.

(iv) Section 3.400(p) of this chapter governs the effective date of award action taken in pending claims under paragraph (a)(2) of this section. A pending claim is defined as: (*a*) A claim not previously adjudicated; (*b*) a previously disallowed claim pending on appeal; (*c*) a previously disallowed claim reopened by the receipt of any claim, evidence or inquiry on which action was pending on October 27, 1961; (*d*) a previously disallowed claim reopened by the receipt of any claim, evidence or inquiry after October 27, 1961, but within the appeal period.

(v) Apportionment awards may be increased from date of claim if entitlement is otherwise established provided such date is subsequent to October 27, 1961, the date of paragraph (a)(2) of this section.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective October 27, 1961.

[SEAL] W. J. DRIVER, *Deputy Administrator.*

[F.R. Doc. 61–10284; Filed, Oct. 26, 1961; 8:51 a.m.]

# Proposed Rule Making

## CIVIL AERONAUTICS BOARD

### [ 14 CFR Part 302 ]

[Docket No. 13126]

### RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

### Evidence in Route Proceedings

OCTOBER 23, 1961.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to Part 302 of the Procedural Regulations, to provide that applicants for certificate authority may not introduce evidence in support of their applications which does not relate to the points, routes or areas specifically described in their applications, pursuant to § 201.4(c) (3) and (4) of the Economic Regulations. The principal features of the proposed rule are discussed in the Explanatory Statement below and the proposed rule is set forth below.

This amendment is proposed under authority of sections 204(a) and 1001 of the Federal Aviation Act of 1958 (72 Stat. 743, 788; 49 U.S.C. 1324, 1481).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before November 27, 1961 will be considered by the Board before taking final action on the proposed rule. Upon receipt by the Board, copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

*Explanatory statement.* The prayer for general relief,[1] customarily included in an application for a certificate under section 401 of the Act, has frequently been invoked by route applicants as justification for the proffer of evidence in favor of the award to such applicants of points or routes not specifically described in their own applications but contained in a route proposal of another applicant. This practice is inconsistent with the requirements of § 201.4(c)(3) of the Board's Economic Regulations, which calls for detailed identification of each route for which a certificate is desired. Neither does it conform to the requirement of § 201.4(c)(4) that such applications shall be accompanied by detailed maps of the proposed routes. Furthermore, the practice is unwarranted because parties to a proceeding are entitled to know prior to the exchange of exhibits what applications and issues will be heard, and are unjustifiably taken by surprise when an applicant who has not previously filed an application for a particular route seeks to offer exhibits to support a route award for himself that has been expressly applied for by another party.

The procedures under Rule 12 of Part 302, dealing with the consolidation of proceedings and hearings are flexible enough to enable parties who wish to compete for routes requested by other parties to a proceeding to file applications, or amendments thereto, specifically asking for such routes.

The Board therefore proposes to amend Rule 24(b) of its rules of practice (§ 302.24(b) of the Procedural Regulations) to provide that in any hearing on an application for a certificate or amendments thereof, no evidence shall be admissible in support thereof which does not relate to the points, routes or areas involved in the application, and specifically described pursuant to § 201.4 (c) (3) and (4) of the Economic Regulations.

The proposed amendment would leave unaffected the right of a party to any proceeding to introduce proper rebuttal evidence, whether or not related to proposals contained in his own application. Neither would the amendment affect the right of the Board to make such route awards as it might deem in the public interest on the basis of all the evidence in a proceeding, whether or not they conform to the specific proposals of the parties.

*Proposed rule. It is proposed to* amend Part 302 of the Procedural Regulations (14 CFR Part 302) by adding to § 302.24(b) a new second sentence to read as follows: "Applicants for certificate authority under Section 401 of the Act may not introduce evidence in support of their applications which does not relate to the points, routes or areas specifically described in their applications pursuant to § 201.4(c) (3) and (4) of Part 201 of this subchapter."

[F.R. Doc. 61-10258; Filed, Oct. 26, 1961; 8:49 a.m.]

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### [ 14 CFR Part 302 ]

[Docket No. 13127]

### RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

### Exceptions and Supporting Briefs

OCTOBER 23, 1961.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment of §§ 302.30 and 302.31 of the rules of practice in Economic Proceedings which would establish efficient and expeditious procedures for the processing of appeals from initial or recommended decisions of examiners or tentative decisions of the Board.

The principal features of the proposed regulation are explained in the Explanatory Statement below and the proposed amendment is set forth below. Also below is an "Alternative Rule" reflecting the view of the Practitioners' Advisory Committee established by the Board.

This rule-making action is proposed under the authority of sections 204(a) and 1001 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 788; 49 U.S.C. 1324, 1481). Interested persons may participate in the proposed rule-making through submission of ten (10) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before November 27, 1961, will be considered by the Board before taking final action on the "Proposed Rule" and "Alternative Rule." Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

*Explanatory statement.* The Board believes that the presently effective provisions of §§ 302.30 and 302.31 do not establish satisfactory procedures for the processing of appeals from initial or recommended decisions of examiners or tentative decisions of the Board.

While it is clear that the only legitimate purpose of exceptions is to apprise all parties of the matters which will subsequently be raised in appellant's brief, the presently effective procedural provisions permit parties to rely upon both their exceptions and their briefs in presenting their position to the Board. Thus, § 302.31 permits briefs to be filed but does not require the perfecting of each point of an appeal by discussion in a timely and adequate brief. Parties in economic proceedings have frequently taken advantage of this deficiency in the Rules of Practice by arguing certain phases of an appeal only in their exceptions and have thereby circumvented the limitations on the length of briefs prescribed in § 302.31(b). Another disadvantage inherent in this practice is that the Board and other parties to the appeal are compelled to read and evaluate two separate documents in order to ascertain the scope and basis of the appeal.

In order to remedy these deficiencies, the Board proposes to amend § 302.30 by specifically providing that the Board will not consider the exceptions in passing on the appeal, so that failure to file a

[1] Usually in such form as, "The applicant prays for such further or other relief as may be appropriate and just." It is often referred to as the "catch-all clause."

timely and adequate brief discussing appellant's exceptions will result in a waiver of all objections contained in the exceptions which are not raised and discussed in the brief. The proposed § 302.30 would also affirmatively require each exception to state a separate point and expressly prohibit the restatement of the same point in several repetitive exceptions. Further, the proposed amendment advises appellants that the Board will not consider the underlying exceptions in determining the merits of an appeal but will confine itself to consideration and evaluation of the briefs which are deemed to have supplanted the exceptions. Finally, the proposed amendment of § 302.31 would expressly prohibit the practice of incorporating by reference in briefs any portion of any exceptions filed in the case.

Insofar as the proposed amendments relate to exceptions, they are set forth in two alternative versions, designated as the "Proposed Rule" and the "Alternative Rule," both of which provide for skeletonized exceptions, but to a differing degree. The "Proposed Rule" specifies that the exceptions must set forth and identify every finding or statement of fact, law or policy (or lack thereof) which the appellant intends to make the subject of an objection on brief. Underlying the "Proposed Rule" is the concept that exceptions must provide opposing parties with reasonable notice of the objections raised so that such parties may have adequate opportunity to express opposition to the exceptions in their briefs. Additionally, the Board believes that, by providing for a form of exception which eliminates or minimizes the element of surprise, requests for permission to file supplemental briefs in opposition to appellant's exceptions are foreclosed.

The "Alternative Proposal," which reflects the view of the Practitioners' Advisory Committee, contemplates that the exceptions will state only the ultimate conclusion or conclusions in the initial, recommended or tentative decision which the appellant intends to attack on brief, and shall not state the underlying findings or statements to which appellant objects. These would be disclosed for the first time when discussed in the appellant's brief. The "Alternative Proposal" rests upon the predicate that the parties to a proceeding are fully aware of all the points in issue, that a notice identifying the ultimate conclusions in the decision objected to is sufficient to alert opposing parties, and that the use of the brief to set forth a detailed statement of position in support of the exceptions would cause minimal incidence of surprise. The Board invites comments on both the "Proposed Rule" and the "Alternative Rule."

Both alternatives would amend the rules in respect of the present requirement for record references and legal citations in exceptions. Parties to Board appeals have frequently disregarded the requirement of present § 302.30 that exceptions shall supply appropriate record references and legal citations. In order to render this requirement more effective, the proposed rule contemplates its transfer to amended § 302.31 which prescribes the requirements for briefs and permits the Board to disregard arguments which are not thus supported.

Under both alternatives, the period of time allowable for filing exceptions would be affected by the simplification of the exceptions. Where § 302.30 presently authorizes the filing of exceptions within 10 days after service of the decision "or such longer period as may be fixed therein," it appears to the Board that provisions for skeletal exceptions in the "Proposed Rule" should dispense with the need for more than 10 days to file exceptions, and it is therefore proposed to amend § 302.30 accordingly. Similarly, the "Alternative Rule" reduces the period of time from 10 to seven days, taking into consideration the extremely limited volume of effort required to prepare exceptions of the kind proposed.

On September 12, 1961, the Board adopted a notice of rule making (PDR–8) proposing to amend Part 302 to reflect a contemplated delegation to hearing examiners of the Board's function of making the agency decision in formal economic cases, except those subject to Presidential approval under section 801 of the Act and those where the Board issues its own tentative decision in the first instance. If the Board finalizes the rule changes proposed by PDR–8, the proposals in the instant notice of proposed rule making may be applied to §§ 302.30 and 302.31 as amended pursuant to PDR–8.

*Proposed rule.* It is proposed to amend §§ 302.30 and 302.31 of the Procedural Regulations (14 CFR Part 302) as follows:

1. Amend § 302.30 to read as follows:

**§ 302.30 Exceptions to initial or recommended decisions of Examiners or tentative decisions of the Board.**

(a) *Time for filing.* Within ten (10) days after service of any initial or recommended decision of an Examiner or tentative decision of the Board, any party to a proceeding may file exceptions to such decision with the Board.

(b) *Contents of exceptions.* Each exception shall sufficiently identify the part of the decision to which exception is taken, and shall state the grounds for such exception. Each exception shall be sufficiently specific to advise other parties to the proceeding of the matters which appellant intends to raise on brief to the Board. Each exception shall be separately numbered and shall state a separate point, and appellants shall not restate the same point in several repetitive exceptions.

(c) *Effect of failure to file timely and adequate exceptions.* No objection to a ruling, finding or conclusion which is not expressly made the subject of an exception complying in all respects with the provisions of this section, may be made on brief or at any later time: *Provided, however,* That any party may file a brief in support of the decision, and in opposition to the exceptions filed by any other party.

(d) *Effect of failure to restate objections in briefs.* In determining the merits of an appeal, the Board will not note or consider the exceptions but only the brief. Each objection contained in the exceptions must be restated and supported by a statement and adequate discussion of all the matters relied upon, in a brief filed pursuant to and in compliance with the requirements of § 302.31. Objections contained only in the exceptions and not made on brief will be disregarded by the Board.

**§ 302.31 [Amendment]**

2. Amend § 302.31(b) to read as follows:

(b) *Formal specifications of briefs—*(1) *Contents.* Each brief shall discuss every point of fact and law which appellant is entitled to raise pursuant to § 302.31(c) and which he desires the Board to consider. Support and justification for every such point shall include itemized references to the pages of the transcript of hearing, exhibit or other matter in the record, and citations of the statutes, regulations or principal authorities relied upon. If a brief or any point discussed therein is not in substantial conformity with the requirement for such support and justification, on motion to strike or dismiss such document shall be made but the Board may disregard the points involved.

(2) *Length.* [Same as present subparagraph (1).]

(3) *Incorporation by reference.* Each brief shall be completely self-contained and shall not incorporate by reference any portion of the exceptions of any party or any portion of his prior brief to the Examiner. *Provided, however,* That in lieu of submitting a brief to the Board a party may adopt by reference specifically identified pages or the whole of his prior brief to the Examiner. In such cases, the party may file with the Board a letter exercising this privilege which shall be filed with the Docket Section and served upon all parties in the same manner as a brief to the Board.

(4), (5), (6) [Same as present subparagraphs (3), (4), (5) respectively.]

*Alternative rule.* 1. Amend § 302.30 to read as follows:

**§ 302.30 Exceptions to initial or recommended decisions of Examiners or tentative decisions of the Board.**

(a) *Time for filing.* Within seven (7) days after service of any initial or recommended decision of an Examiner or tentative decision of the Board, any party to a proceeding may file exceptions to such decision with the Board.

(b) *Contents of exceptions.* Each exception shall state, sufficiently identify and be limited to an ultimate conclusion in the decision to which exception is taken (such as, selection of one carrier rather than another to serve any point or points; points included in or excluded from a new route; imposition or failure to impose a given restriction). No exceptions shall be taken with respect to underlying findings or statements. Each exception shall be separately numbered and shall state a separate point, and appellants shall not restate the same point in several repetitive exceptions.

(c) *Effect of failure to file timely and adequate exceptions.* No objection may

be made on brief or at a later time to an ultimate conclusion which is not expressly made the subject of an exception in compliance with the provisions of this section, *Provided, however,* That any party may file a brief in support of the decision, and in opposition to the exceptions filed by any other party.

(d) *Effect of failure to restate exceptions in briefs.* In determining the merits of an appeal, the Board will not note or consider the exceptions but only the brief. Each exception to an ultimate conclusion must be restated and supported by a statement and adequate discussion of all the matters relied upon, in a brief filed pursuant to and in compliance with the requirements of § 302.31. Objections contained only in the exceptions and not made on brief will be disregarded by the Board.

2. Amend § 302.31(b) to read as follows: [Same as in the Proposed Rule].

[F.R. Doc. 61–10259; Filed, Oct. 26, 1961; 8:49 a.m.]

# FEDERAL AVIATION AGENCY

## [ 14 CFR Part 507 ]

[Regulatory Docket No. 935]

## AIRWORTHINESS DIRECTIVES

### Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator, (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of flexible oil pickup hoses on Beech Model A45 and replacement of deteriorated or defective hoses.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in in duplicate to the Docket Section of the Federal Aviation Agency, Room C–226, 1711 New York Avenue N.W., Washington 25, D.C. All communications received on or before November 28, 1961, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

BEECH. Applies to all Model A45 (converted T34A) airplanes.

Compliance required as indicated.

Deteriorated flexible oil pickup hoses located within the engine oil tank will allow air to be drawn into the engine oil supply line. This can cause serious engine and propeller overspeeds due to improper propeller governing or engine damage from inadequate lubrication. To preclude such occurrences, the following inspection is required within the next 25 hours' time in service after the effective date of this directive unless already accomplished within the last 100 hours' time in service and at intervals of not more than 100 hours' time in service. Visually inspect the flexible oil pickup hose for condition. This will require removal of the oil tank inspection plate, disconnection of the pickup hose at its upper end and removal of the hose from the oil tank for inspection. Examine the hose for deterioration with close attention directed to the hose corrugations for cracks or checks in the minimum diameter sections. Deteriorated or defective hoses are to be replaced.

If new flexible hoses are installed, the 100-hour inspections must be continued. If a rigid type oil pickup line (Beech Kit 45–327 or equivalent) is installed so as to properly supply oil from the bottom of the tank, no further special inspections are required. FAA approved Airplane Flight Manual Supplement dated August 14, 1961, prohibiting inverted flight maneuvers, is required with the rigid type oil pickup line.

(Beech Service Letter T34A, No. 3, dated September 1961, covers this same subject.)

Issued in Washington, D.C., on October 20, 1961.

G. S. MOORE,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 61–10236; Filed, Oct. 26, 1961; 8:46 a.m.]

## [ 14 CFR Part 507 ]

[Regulatory Docket No. 936]

## AIRWORTHINESS DIRECTIVES

### Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring rework of the fuel vent line so that no vent holes are located inside the hull.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before November 28, 1961, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

PIAGGIO. Applies to Models P.136–L1 and P.136–L2, Serial Numbers 196 through 242.

Compliance required within the next 25 hours of time in service after the effective date of this AD.

The existing fuel vent line is provided with vent holes that are located inside the hull to provide venting in the event of blockage of the external vent outlet by ice or other foreign matter. As a result, fuel and fuel vapor have been detected within the hull constituting a fire and explosion hazard. These vent holes must, therefore, be sealed and other vent anti-icing means provided as follows:

(a) Install one Mil H–5511 hose or equivalent, ¾-inch I.D. by ⅝-inch long, and one clamp, AN 737–TW38 or equivalent, over holes in the outboard end of the fuel tank vent line. Sleeve may be slit if necessary but slit must not be over any hole.

(b) Install one Piaggio fuel vent anti-icing "bump" or equivalent.

(c) Apply a nonfuel or water soluble, noncorrosive to aluminum sealing compound to the flange of the anti-icing "bump" and rivet "bump" to skin forward of the fuel vent outlet using eight AN 470AD4–2, or equivalent, rivets. "Bump" flange should be about ⅛-inch forward of vent outlet flange. "Bump" longitudinal centerline must coincide with fuel vent outlet centerline and be level when aircraft is level. "Bump" must be oriented so that the thick end is forward.

Issued in Washington, D.C., on October 20, 1961.

G. S. MOORE,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 61–10237; Filed, Oct. 26, 1961; 8:46 a.m.]

## [ 14 CFR Part 601 ]

[Airspace Docket No. 61–NY–90]

## CONTROLLED AIRSPACE

### Proposed Alteration of Control Area Extension and Transition Area and Designation of Transition Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601 and §§ 601.1256 and 601.10402 of the regulations of the Administrator, the substance of which is stated below.

Effective January 1, 1962, new aircraft holding pattern procedures will be implemented by the Federal Aviation Agency. These procedures have been developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment. In addition, the procedures will provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation. However, it is recognized that a number of these holding pattern areas will require the designation of additional controlled airspace to encompass the increased dimensions of such areas. Thus, with the designation of additional controlled airspace, the pilot need only

adhere to the standardized operating procedures and limitations for his type aircraft to remain within controlled airspace.

To fulfill additional controlled airspace requirements for the implementation of these procedures in the Pittsburgh, Pa., Air Route Traffic Control Center area, the FAA is considering the following airspace actions:

1. The Pittsburgh, Pa., control area extension (§ 601.1256) would be altered to add the airspace northeast of Carrolltown, Pa., bounded on the northwest by a line 14 miles north of and parallel to the Carrolltown VOR 059° True radial, on the northeast by low altitude VOR Federal airway No. 6, on the southeast by low altitude VOR Federal airway No. 58, and on the west by the Pittsburgh control area extension 75-mile radius area; the airspace northeast of Grantsville, Md., bounded on the north by low altitude VOR Federal airway No. 474, on the southeast by low altitude VOR Federal airway No. 162, on the southwest by low altitude VOR Federal airway No. 8 and on the west by the Pittsburgh control area extension 75-mile radius area; and the airspace east of Grantsville bounded on the northeast by low altitude VOR Federal airway No. 8, on the south by low altitude VOR Federal airway No. 44, on the southwest by low altitude VOR Federal airway No. 92, and on the northwest by low altitude VOR Federal airway No. 162. This would provide additional airspace for the protection of aircraft in holding patterns at the Carrolltown VOR, Tyrone, Pa., VORTAC, and the Flintstone, Intersection (intersection of the Martinsburg, W. Va., VORTAC 297° and the Grantsville, Md., VOR 082° True radials).

2. The Clarksburg, W. Va., transition area (§ 601.10402) would be redesignated within 10 miles northwest and 7 miles southeast of the Clarksburg radio beacon 036° and 216° True bearings extending from 9 miles northeast to 20 miles southwest of the radio beacon. This would provide protection for aircraft in holding patterns at the Clarksburg radio beacon.

3. The St. Thomas, Pa., transition area would be designated to extend upward from 1,200 feet above the surface to the base of the continental control area within 7 miles northwest and 10 miles southeast of the St. Thomas VOR 251° and 067° True radials extending from 20 miles southwest to 20 miles northeast of the VOR. The portions of this transition area which would coincide with the Chambersburg, Pa., Restricted Areas, R–5801 and R–5803 would be excluded during the times of designation of the restricted areas. This would provide protection for aircraft in holding patterns at the St. Thomas VOR.

Because of the time limitations imposed by the effective date of the revised holding pattern procedures, implementation of the provisions of Amendment 60–21 to the Civil Air Regulations, Part 60, Air Traffic Rules is being deferred in this instance where the alteration of a control area extension is being proposed. Upon completion of the review of the controlled airspace requirements presently being conducted attendant to these provisions, separate airspace action will be initiated to convert this control area extension to a transition area with an appropriate controlled airspace floor assignment.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on October 20, 1961.

CHARLES W. CARMODY,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61–10238; Filed, Oct. 26, 1961; 8:46 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[426.85]

### BORON 10

### Notice of Tariff Classification

OCTOBER 20, 1961.

The Bureau published on September 12, 1961 (26 F.R. 8526, No. 175, September 12, 1961), a notice of proposed tariff classification of boron 10, indicating that there was under review in the Bureau the ruling abstracted as T.D. 55125(4) announcing that boron 10 was classifiable as a radioactive substitute under paragraph 1749, Tariff Act of 1930, and free of duty.

In a letter, dated October 20, 1961, addressed to the collector of customs at New York, the Bureau ruled that boron 10 was properly classifiable under the provision for boron in paragraph 302(n) with duty at the reduced rate of 12½ percent ad valorem under that paragraph, as modified.

As this ruling will result in the assessment of duty at a rate higher than that announced in T.D. 55125(4), it will be applied only to boron 10 which is entered, or withdrawn from warehouse for consumption, after 90 days after the date of the publication of an abstract of the Bureau letter in the weekly Treasury Decisions.

[SEAL] D. B. STRUBINGER,
*Acting Commissioner of Customs.*

[F.R. Doc. 61-10246; Filed, Oct. 26. 1961; 8:48 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[P. & S. Docket No. 1598]

### CHATTANOOGA UNION STOCK YARDS

### Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on November 24, 1959 (18 A.D. 1265), which as modified by an order issued on March 9, 1960 (19 A.D. 166), authorizes the respondent, Chattanooga Union Stock Yards, Chattanooga, Tennessee, to assess the current temporary schedule of rates and charges to and including November 30, 1961, unless modified or extended by further order before the latter date.

By a petition filed on October 11, 1961, as amended by a document filed on October 18, 1961, the respondent requested authority to modify the current temporary schedule of rates and charges by adding two new sections set forth below, and requested that the current schedule, as so modified, be continued in effect to and including November 30, 1963.

SEC. 9. *Insurance (fire only).*

| | *Per head* |
|---|---|
| Cattle and calves | $0.02 |
| Hogs, sheep, goats | .01 |

SEC. 10. *Feed.*

All feed charged for at cost per hundredweight or per bale delivered at the stock yard, plus $0.70.

In accordance with this differential, the charges for feed will be:

| | |
|---|---|
| Corn (cost per cwt $2.65+$0.70) | $3.35 |
| Hay (cost per bale, minimum weight 70 lbs., $0.80+$0.70) | 1.50 |
| Crushed corn (cost per cwt $2.20+$0.70) | 2.90 |
| Straw (cost per bale, minimum weight 30 lbs., $0.50+$0.70) | 1.20 |

The modifications, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 15 days after the publication of this notice.

Done at Washington, D.C., this 23d day of October 1961.

CLARENCE H. GIRARD,
*Director, Packers and Stockyards Division, Agricultural Marketing Service.*

[F.R. Doc. 61-10247; Filed, Oct. 26, 1961; 8:48 a.m.]

### CUSTER COUNTY LIVESTOCK MARKETING ASS'N. MACKAY, IDAHO, ET AL.

### Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the act, as amended (7 U.S.C. 202), and were, therefore, subject to the act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

*Name and Location of Stockyards; and Date of Posting*

IDAHO

Custer County Livestock Marketing Ass'n, Mackay; August 22, 1961.

ILLINOIS

Jefferson County Community Sale, Mt. Vernon; September 19, 1961.

KANSAS

Mid-American Horse Sales Co., Inc., Bonner Springs; September 9, 1961.

MICHIGAN

Sturgis Livestock Auction Market, Sturgis; September 21, 1961.

MINNESOTA

Thief River Livestock Auction Market, Thief River Falls; October 2, 1961.

MISSISSIPPI

Shaw & Gray Commission Company, Oxford; September 13, 1961.

MISSOURI

Prairie Center Sales Company, King City; May 9, 1961.

NEW YORK

Southern Tier Livestock Market, Whitney Point; September 20, 1961.

OKLAHOMA

Caddo County Livestock Commission Co., Anadarko; September 7, 1961.

Shawnee Sale Barn, Shawnee; September 20, 1961.

SOUTH CAROLINA

Henry Livestock, Conway; April 5, 1961.

TEXAS

Blanco Livestock Commission Co., Inc., Blanco; August 18, 1961.

Canton Livestock Commission Co., Canton; September 19, 1961.

Done at Washington, D.C., this 24th day of October 1961.

H. L. JONES,
*Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.*

[F.R. Doc. 61-10248; Filed, Oct. 26, 1961; 8:48 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-72]

### UNIVERSITY OF UTAH

### Notice of Proposed Issuance of Construction Permit and Facility License Amendment

Notice is hereby given that, unless within fifteen days after the publication of this notice in the FEDERAL REGISTER a request by the applicant for a formal hearing or a petition to intervene pursuant to § 2.705 of the Commission's rules of practice (10 CFR Part 2) has been filed therewith, the Atomic Energy Commission proposes to issue to the University of Utah (hereinafter "the University") a construction permit substantially as set forth in Appendix A, authorizing the University to relocate, in the Merrill Engineering Building on the University's campus in Salt Lake City, Utah, the reactor, Model AGN-201, Serial No. 107, presently licensed for operation in the Fuels Technology Building, also on the University's cam-

pus. Such request or petition shall be filed in accordance with the provisions of § 2.700 of the Commission's rules of practice (10 CFR Part 2).

Notice is also hereby given that upon finding that the reactor has been relocated in accordance with the terms and conditions of the construction permit, the reactor will operate in conformity with the application, as amended, and the rules and regulations of the Commission, and, in the absence of any good cause shown to the Commission why the granting of the license amendment would not be in accordance with the provisions of the Act, the Commission may, without further prior public notice, issue an amendment to Facility License No. R–25 substantially as set forth in Appendix B authorizing operation of the reactor at the new location.

The application and amendments thereto and a related hazards analysis prepared by the Research and Power Reactor Safety Branch, Division of Licensing and Regulation, may be inspected at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the hazards analysis may obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 20th day of October 1961.

For the Atomic Energy Commission.

R. H. BRYAN,
*Acting Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.*

APPENDIX A

UNIVERSITY OF UTAH

Docket No. 50–72

PROPOSED CONSTRUCTION PERMIT

1. License No. R–25 issued September 12, 1957, authorized the University of Utah (hereinafter "the University") to acquire and operate a reactor Model AGN–201, Serial No. 107, in the Fuels Technology Building on the University's campus in Salt Lake City, Utah. By application amendments dated July 7, 1961 and September 15, 1961, the University requested authority to relocate and operate the reactor in the Merrill Engineering Building, also on the University's campus. (The original application dated June 19, 1957, and the amendments thereto dated August 12, 1957, August 15, 1957, July 7, 1961, and September 15, 1961 are hereinafter collectively referred to as "the application".)

2. The Atomic Energy Commission (hereinafter "the Commission") hereby finds that:

A. The University is financially qualified to relocate and operate the reactor at the new location in accordance with the regulations;

B. The University is technically qualified to relocate the reactor;

C. The University has submitted sufficient information to provide reasonable assurance that the reactor can be relocated and operated at the new location without undue risk to the health and safety of the public; and

D. The issuance of this construction permit will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction Permit to the University to relocate the reactor in the Merrill Engineering Building on the campus of the University of Utah, as specified in the amendments to the application dated July 7, 1961 and September 15, 1961. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations and is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect. Relocation of the reactor shall be completed, except for the introduction of the fuel material, no earlier than November 9, 1961 and no later than January 31, 1962.

4. Upon completion of the relocation of the reactor in accordance with the terms and conditions of this permit, and upon finding that the reactor has been relocated and will operate in conformity with the application, as amended, and in conformity with the provisions of the Atomic Energy Act of 1954, as amended (the Act) and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license amendment would not be in accordance with the provisions of the Act, the Commission will issue a license amendment to the University of Utah pursuant to section 104 c. of the Act authorizing operation of the reactor in the Merrill Engineering Building at power levels up to 100 milliwatts (thermal).

For the Atomic Energy Commission.

APPENDIX B

UNIVERSITY OF UTAH

Docket No. 50–72

PROPOSED FACILITY LICENSE AMENDMENT

1. A construction permit issued November 9, 1961, authorized the University of Utah (hereinafter the University) to relocate, in the Merrill Engineering Building on the University's campus, Salt Lake City, Utah, a reactor, Model AGN–201, Serial No. 107, presently licensed for operation in the Fuels Technology Building, also on the University's campus.

2. The Atomic Energy Commission (hereinafter the Commission) hereby finds that:

1. Relocation of the reactor has been completed in accordance with the terms and conditions of the construction permit;

2. The reactor will operate in conformity with the application and the provisions of the Atomic Energy Act of 1954, as amended, and the rules and regulations of the Commission; and

3. No good cause has been shown why the granting of the amendment to the license would not be in accordance with the provisions of the Act.

In view of the foregoing, provision A. of Facility License R–25, as amended, is hereby amended to read as follows:

A. Pursuant to section 104c. of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act") and Title 10 CFR, Chapter 1, Part 50, 'Licensing of Production and Utilization Facilities', to acquire, possess, and operate the reactor at the location in the Merrill Engineering Building situated on its campus in Salt Lake City, Utah, as described in amendments to the application dated July 7, 1961, and September 15, 1961.

This amendment is effective as of the date of issuance.

For the Atomic Energy Commission.

[F.R. Doc. 61–10229; Filed, Oct. 26, 1961; 8:45 a.m.]

[Docket No. 50–184]

## NATIONAL BUREAU OF STANDARDS

### Notice of Hearing on Application for Construction Permit

Pursuant to the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act") and the regulations in Part 2, 10 CFR, "Rules of Practice", notice is hereby given that a hearing will be held to consider the issuance of a construction permit to the National Bureau of Standards (hereinafter referred to as "the applicant") Washington 25, D.C., for a 10-megawatt (thermal) heavy water moderated and cooled nuclear reactor under sections 104c and 185 of the Act. The reactor will be located at the applicant's site near Gaithersburg, Maryland. The hearing will commence at 10:00 a.m., e.s.t., on November 28, 1961, in the Auditorium of the Commission's Headquarters at Germantown, Maryland and will be conducted by a Presiding Officer to be designated by the Chief Hearing Examiner.

*Specifications of issues.* The issues to be considered at the hearing are:

1. Whether the applicant has submitted sufficient information to provide reasonable assurance that a utilization facility of the general type proposed in the application can be constructed and operated at the proposed location without undue risk to the health and safety of the public;

2. Whether there is reasonable assurance that the technical information omitted from and required to complete the application will be supplied;

3. Whether the applicant is technically qualified to design and construct the proposed facility;

4. Whether the applicant is financially qualified to design and construct the facility; and

5. Whether the construction of the reactor will be inimical to the common defense and security or to the health and safety of the public.

Answer to this notice of hearing shall be filed by the applicant in the manner prescribed by § 2.736 of the Commission's "Rules of Practice", 10 CFR Part 2, on or before November 13, 1961.

Petitions for leave to intervene must be received in the Office of the Secretary, Atomic Energy Commission, Germantown, Maryland, or in the AEC's Public Document Room, 1717 H Street NW., Washington, D.C., not later than thirty days after publication of this notice in the FEDERAL REGISTER, or in the event of a postponement of the hearing date specified above at such time as the Presiding Officer may provide.

For further information all interested persons are referred to the application which is available for public inspection at the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

The report of the Advisory Committee on Reactor Safeguards and the safeguards analysis prepared by the AEC staff will be available for public inspection in the AEC's Public Document Room prior to the hearing herein scheduled. A copy of each report may be obtained

by request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Papers required to be filed with the AEC in this proceeding shall be filed by mailing to the Secretary, Atomic Energy Commission, Washington 25, D.C., or may be filed in person at the Office of the Secretary, Atomic Energy Commission, Germantown, Maryland, or at the AEC's Public Document Room, 1717 H Street NW., Washington, D.C. Pending further order of the Presiding Officer, parties shall file twenty copies of each such paper with the AEC and where service of papers is required on other parties shall serve five copies of each.

Dated at Germantown, Md., this 24th day of October 1961.

For the Atomic Energy Commission.

R. LOWENSTEIN,
*Director, Division of Licensing and Regulation.*

[F.R. Doc. 61-10249; Filed, Oct. 26, 1961; 8:48 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket 11042 etc.]

## WYOMING-SOUTH DAKOTA-CHICAGO AIR SERVICE INVESTIGATION

### Notice of Postponement of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding now assigned to be held on November 8 is postponed to December 6, 1961, 10 a.m., e.s.t., Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., October 23, 1961.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 61-10257; Filed, Oct. 26, 1961; 8:49 a.m.]

# FEDERAL AVIATION AGENCY

[OE Docket No. 61-WE-25]

## PROPOSED TELEVISION ANTENNA STRUCTURE

### Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The American Broadcasting Company, Television Station KGO-TV, proposes to erect a self-supporting television antenna structure on Mt. Sutro in San Francisco, California, at latitude 37°45'-20'' north, longitude 122°27'05'' west. The overall height of the structure would be 1,811 feet above mean sea level (980 feet above ground). The proposed structure would replace an existing antenna structure 1,371 feet MSL (531 feet above ground) at approximately the same location as the proposed structure. The proponent stated that if constructed, the proposed structure could accommodate all known or foreseeable antenna requirements of the San Francisco Bay area.

This proposal was originally considered by the Airspace Panel of the the Air Coordinating Committee at its meeting number 517, held in Washington, D.C., on September 5, 6, and 11, 1957. Concurrent with the consideration of the KGO-TV proposal, the Panel had under consideration a proposal by Television Station KRON-TV to erect an antenna structure on Mt. Bruno with an overall height of 2,049 feet MSL. The Panel determined that due to effects upon aeronautical operations in the San Francisco Bay Area, both proposed structures could not be tolerated. Although the Panel concluded that from the standpoint of Instrument Flight Rules procedures, there would be little difference in the effects of the KRON-TV and KGO-TV proposals, it also concluded that the KRON-TV proposal presented the best compromise between the broadcasting industry and the aviation industry. Therefore, the Airspace Panel recommended disapproval of the KGO-TV antenna structure proposal.

During the elasped time since the Airspace Panel recommendation, there has been a substantial increase in volume of San Francisco-Oakland Bay area terminal air traffic. The use of advanced types of aircraft has introduced factors not considered previously by the Airspace Panel. New Instrument Flight Rules procedures and techniques have been developed and implemented to improve the flexibility and traffic handling capability in the Bay Area terminal complex. Consequently, the Federal Aviation Agency conducted a new aeronautical study in which factors were established that alter the basis upon which the Airspace Panel recommendation was made and the effect of proposed structure would have upon aeronautical operations.

Objections were made to this proposal in response to the circularization, at the Los Angeles FAA Informal Airspace Meeting held June 14 and 15, 1961, and at the Washington FAA Informal Airspace Meeting held July 13 and 14, 1961. These objections are summarized below:

*Aircraft Owners and Pilots Association.* The AOPA objected to the proposed structure on the basis of the adverse effect upon aeronautical operations caused by requirements for increased obstruction clearance in the San Francisco area.

*Air Transport Association of America.* The ATA objected to the proposed structure on the basis that it would adversely affect radar air traffic control procedures in the San Francisco-Oakland area; five instrument departure procedures in this area; two instrument approach transition altitudes to the San Francisco VOR; that compounded air traffic delays throughout the area would be experienced as a result of the effects of the proposed structure upon the various procedures; and that the adverse effects of the proposal upon aeronautical operations would occur in one of the most highly congested air traffic control areas in the United States.

*National Pilots Association.* The NPA objected to the proposal on the basis of its adverse effect on aeronautical operations and procedures.

*Air Line Pilots Association.* The ALPA stated that that organization was unalterably opposed to the construction of the proposed tower on the basis that it would constitute a real hazard to all aviation.

*California Association of Airport Executives.* The CAAE stated that that Asociation is opposed to any tall towers in the vicinity of airports and in particular is opposed to towers extending over 500 feet above terrain unless there are compensating conditions and extenuating circumstances which place the tower in the category of not being an unacceptable hazard to air navigation.

*California Aeronautics Commission.* The CAC objected to the proposed structure on the basis that it would be a hazard to air navigation and would compromise the safety of flight.

*National Association of State Aviation Officials.* The NASAO stated that, although the proposed structure would adversely affect the safety of flight in the San Francisco area, it would constitute a lesser hazard to air navigation than would the structure proposed by Station KRON-TV.

*National Aviation Trade Association.* The NATA objected to the proposed structure on the basis that it would result in a substantial adverse effect upon aeronautical procedures in an area of high density air operations.

The utilization of airspace for air navigation in the San Francisco-Oakland terminal area is extremely critical. The combination of many natural terrain obstructions and the proximity of a number of major air terminals reduces the availability of airspace for independent air operations and results in the necessity for a complex, precise arrangement of air traffic control procedures and flight patterns. In addition, this geographical area experiences weather phenomena of fog and low overcasts which dictate that air operations be conducted under Instrument Flight Rules conditions a substantial percentage of the time. During fiscal year 1961, there were 216,436 aircraft operations, 103,314 instrument operations and 18,277 instrument approaches conducted at the San Francisco International Airport. In this last respect, the airport is ranked second nationally. During the same fiscal year, there were 158,137 aircraft operations, 61,935 instrument operations and 9,425 instrument approaches conducted at the Oakland International Airport and its satellites.

The proposed KGO-TV antenna structure would be located 8 miles west-southwest of the Alameda Naval Air Station; 10.4 miles north-northwest of the San Francisco International Airport; and 13 miles west-northwest of the Oakland International Airport. Current

San Francisco-Oakland Bay area IFR terminal procedures, together with the effects of the proposed structure on the procedures, are described below. In order to determine the volume of air traffic utilizing the various procedures, a sample of 25 days of high IFR activity in the area was selected from the 17-month period, January 1960, to June 1961. In addition, a 5-day survey of departure procedures used at San Francisco Airport during prevailing westerly wind conditions was made for the period May 3 through May 7, 1961.

*Departure procedures—San Francisco International Airport—Oakland departure.* "Climb outbound on the San Francisco VOR 287 radial to 2,000 feet. After passing San Francisco Gap radio beacon, turn right, intercept and climb inbound on the Oakland VORTAC 250 radial, cross Oakland VORTAC at (a minimum altitude of) 2,500 feet." This trans-bay procedure is utilized to tunnel aircraft departing San Francisco Airport en route to Oakland or over Oakland eastbound beneath San Francisco arriving traffic. The KGO–TV structure would be hazardous to aircraft executing this procedure because insufficient vertical or lateral separation would exist between the structure and the aircraft. However, this procedure could be adjusted, without adversely affecting air traffic control procedures by requiring aircraft to climb outbound on the San Francisco VOR 287 radial to 2,000 feet MSL and then turn right to climb on the Oakland VORTAC 250 radial to 2,600 feet MSL.

*Hunters Point departure, Hunters Point-Shrimp departure, and Hunters Point-Offshore departure.* "Intercept and climb inbound on the Sausalito VORTAC 127 radial to the Oakland VORTAC 250 radial. Cross the Oakland VORTAC 250 radial at or above 1,700 feet. Turn left via the Oakland VORTAC 250 radial and continue climb to the (appropriate) intersection (west of the shoreline on the Pacific side of the Peninsula)." This procedure is utilized for San Francisco departures en route to the north, west, or south and in some instances of traffic congestion, for departures en route to the east when higher altitudes are necessary over Oakland. The proposed structure would be hazardous to aircraft executing this procedure because insufficient vertical or lateral separation would exist between the structure and the aircraft.

An inefficient use of airspace would result if the procedure were revised to provide the necessary obstruction clearance. Aircraft would be required to cross the 250 radial of the Oakland VORTAC at 2,100 feet rather than the current altitude of 1,700 feet. This would necessitate an excessive rate of climb of 323 feet per mile. Consideration was given to the extension of the flight path to permit a normal rate of climb prior to interception of the Oakland VORTAC 250 radial at 2,100 feet. The selection of a radial of the Oakland VORTAC to the south of the 250 radial to provide lateral clearance from the proposed structure was also considered. However, either adjustment would cause aircraft executing this departure procedure to penetrate the buffer area associated with the San Francisco-Oakland radar boundary. This boundary was established to delineate the use of airspace over the San Francisco Bay for independent radar vectoring by the San Francisco and Oakland Airport Traffic Control Towers. Aircraft may not be vectored closer than 1½ miles from this boundary unless prior coordination is accomplished between the towers. Due to high terrain east of the Oakland Airport and west of the San Francisco Airport, the present radar vectoring areas between the two airports are the only areas available for low altitude radar operations. These areas are extremely limited in airspace available and are critical from the standpoint of accommodating radar arrivals and departures at the two airports. Any reapportionment would result in an adverse effect upon terminal operations in the Bay area. Penetration of the radar buffer area by San Francisco departures would abrogate the simultaneous radar vectoring capability now possible by the San Francisco and Oakland towers and result in numerous air traffic delays. In addition, the necessity for interfacility coordination would diminish the ability of controllers to expedite the flow of air traffic through increased workload.

The 25-day traffic survey disclosed that 95 aircraft utilizing this procedure would be affected by the proposed structure on a peak day of IFR operations. There is an average of 32 such departures daily.

*Sausalito departure.* "Intercept and climb inbound on the Sausalito VORTAC 127 radial to Sausalito. Cross the Oakland 250 radial at or above 1,700 feet MSL." This procedure is utilized primarily as an alternate route for San Francisco departures proceeding to the north and northeast when traffic congestion will not permit the use of the standard north/northeast route direct to the Richmond Intersection. Consequently, the Sausalito Departure is essential to the efficient flow of air traffic in the area during periods of air traffic saturation and its use during these periods prevents an accumulation of delays to traffic departing San Francisco en route to the north/northeast. The proposed structure would be hazardous to aircraft executing this procedure because insufficient vertical or lateral separation would exist between the structure and the aircraft.

An inefficient use of airspace would result if the procedure were revised to provide the necessary obstruction clearance. Aircraft would be required to cross the 250 radial of the Oakland VORTAC at 1,900 feet MSL necessitating an excessive rate of climb of 292 feet per mile. Consideration was given to the extension of the flight path to permit a normal rate of climb prior to interception of the Oakland VORTAC 250 radial at 1,900 feet MSL. The selection of a radial of the Sausalito VORTAC to the east of the 127 radial to provide lateral clearance from the proposed structure was also considered. However, either adjustment would cause aircraft executing this departure procedure to penetrate the buffer area associated with the San Francisco-Oakland radar boundary with the resultant adverse effects upon aeronautical operations outlined under the Hunters Point Departure, above.

The 25-day traffic survey disclosed that 18 departures on a peak day would be affected by the proposed structure.

*Transition Routes—Oakland Standard VOR Instrument Approach Procedure AL–294–VOR-Radial 132.* The proposed structure would be hazardous to aircraft proceeding at the minimum transition altitude of 2,500 feet MSL from over the San Francisco Gap radio beacon to the Oakland VORTAC because insufficient vertical or lateral separation would exist between the structure and the aircraft.

An inefficient use of airspace would result if the minimum transition altitude were increased to 2,800 feet MSL (3,000 feet MSL minimum usable altitude for air traffic control purposes) to provide the necessary obstruction clearance. Aircraft proceeding to the San Francisco Airport from over the Oakland VORTAC are radar vectored south to intercept the San Francisco Instrument Landing System localizer course. Under current procedures these aircraft maintain 3,500 feet MSL until west of the San Francisco radar buffer area boundary and then commence descent to intercept the ILS glide path at 1,700 feet MSL at the outer compass locator. If the proposed structure is erected, aircraft utilizing this transition procedure would be at 3,000 feet MSL eastbound to the Oakland VORTAC, thus requiring westbound aircraft to maintain 4,000 feet until west of the radar buffer area boundary. An excessive rate of descent would be required of such traffic at 4,000 feet MSL in order to proceed on a direct course and intercept the ILS glide slope at the outer compass locator; remain within the prescribed airspace for executing the instrument approach procedure; and avoid the San Francisco-San Jose-Moffett radar buffer area. Shuttling south of the outer compass locator would be necessary to lose the additional altitude and cumulative delays to succeeding aircraft would result.

This change in procedure would affect an average of 66 operations daily to the San Francisco International Airport from the north and east, transitioning via Oakland. This figure is based upon a monthly average of approximately 8,000 San Francisco instrument operations per month, half of which (4,000) are considered as arrivals. With approximately half of these arriving via Oakland (2,000), a daily average of 66 aircraft would result.

*San Francisco Standard VOR Instrument Approach Procedure AL–375–VOR–RWYS 28L and R.* The proposed structure would require an increase in the minimum transition altitudes from the Stinson Beach and Richmond Intersections to the San Francisco VOR from 2,500 feet MSL to 2,800 feet MSL.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level eleva-

tion specified herein, would have an adverse effect upon aeronautical operations, procedures, and minimum flight altitudes; and it is hereby determined that this structure would be a hazard to air navigation.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted.

Issued in Washington, D.C., on October 19, 1961.

OSCAR W. HOLMES,
*Chief,*
*Obstruction Evaluation Branch.*

[F.R. Doc. 61-10230; Filed, Oct. 26, 1961; 8:45 a.m.]

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[OE Docket No. 61-WE-26]

## PROPOSED TELEVISION ANTENNA STRUCTURE

### Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Chronicle Publishing Company, Television Station KRON-TV, proposes to erect a self-supporting television antenna structure on Mt. Bruno near San Francisco, California, at latitude 37°41'-15" north, longitude 122°26'04" west. The overall height of the structure would be 2,049 feet above mean sea level (734 feet above ground). The proposed structure would replace an existing antenna tower 1,480 feet MSL (203 feet above ground) at approximately the same location as the proposed structure. The proponent stated that, if constructed, the proposed structure could accommodate all known or foresseeable antenna requirements of the San Francisco Bay Area.

This proposal was originally considered by the Airspace Panel of the Air Coordinating Committee at its meeting number 517, held in Washington, D.C., on September 5, 6, and 11, 1957. Concurrent with the consideration of the KRON-TV proposal, the Panel had under consideration a proposal by Television Station KGO-TV to erect a television antenna structure on Mt. Sutro with an overall height of 1,811 feet MSL. The Panel determined that due to the effects upon aeronautical operations in the San Francisco Bay area, both proposed structures could not be tolerated. Although the Panel concluded that from the standpoint of Instrument Flight Rules procedures there would be little difference in the effects of the KRON-TV and KGO-TV proposals, it also concluded that the KRON-TV proposal presented the best compromise between the broadcasting industry and the aviation industry. Therefore, the Airspace Panel recommended approval of the KRON-TV antenna structure proposal.

During the elapsed time since the Airspace Panel recommendation, there has been a substantial increase in volume of San Francisco-Oakland Bay area terminal air traffic. The use of advanced types of aircraft has introduced factors not considered previously by the Airspace Panel. New Instrument Flight Rules procedures and techniques have been developed and implemented to improve the flexibility and traffic handling capability in the Bay Area terminal complex. Consequently, the Federal Aviation Agency conducted a new aeronautical study in which factors were established that alter the basis upon which the Airspace Panel recommendation was made and the effect the proposed structure would have upon aeronautical operations.

Objections were made to this proposal in response to the circularization, at the Los Angeles FAA Informal Airspace Meeting held June 14 and 15, 1961, and at the Washington FAA Informal Airspace Meeting held July 13 and 14, 1961. These objections are summarized below:

*Aircraft Owners and Pilots Association.* The AOPA objected to the proposed structure on the basis of the adverse effect upon aeronautical operations caused by requirements for increased obstruction clearance in the San Francisco area.

*Air Transport Association of America.* The ATA objected to the proposed structure on the basis that it would adversely affect radar air traffic control procedures in the San Francisco-Oakland area; six instrument departure procedures in this area; two instrument approach transition altitudes to the San Francisco VOR; and that compounded air traffic delays throughout the area would be experienced as a result of the effects of the proposed structure upon the various procedures.

*National Pilots Association.* The NPA objected to the proposal on the basis of its adverse effect on aeronautical operations and procedures.

*Air Line Pilots Association.* The ALPA stated that that organization was unalterably opposed to the construction of the proposed tower on the basis that it would constitute a real hazard to all aviation.

*California Association of Airport Executives.* The CAAE objected to the proposed structure on the basis that its proximity to the San Francisco International Airport would result in adverse effects on the instrument departure procedures for that airport and that the structure would create an unacceptable hazard to air navigation and a menace to all air traffic in the area.

*California Aeronautics Commission.* The CAC objected to the proposed structure on the basis that it would be a hazard to air navigation and would compromise the safety of flight.

*National Association of State Aviation Officials.* The NASAO objected to the proposed structure on the basis that it would create a serious hazard to the safety of flight during missed approach procedures while using the northwest runway at the San Francisco Airport; that it would be located less than 6 miles from the San Francisco Airport and less than 2 miles from the San Francisco Gap radio beacon in an area that is frequently subjected to marginal visual flight rule weather conditions and where small aircraft fly at relatively low altitudes to remain below the airway minimum en route altitude; and that it would create an aeronautical hazard in one of the Nation's most congested air traffic areas.

*National Aviation Trade Association.* The NATA objected to the proposed structure on the basis that it would result in a substantial adverse effect upon aeronautical procedures in an area of high density air operations.

The utilization of airspace for air navigation in the San Francisco-Oakland terminal area is extremely critical. The combination of many natural terrain obstructions and the proximity of a number of major air terminals reduces the availability of airspace for independent air operations and results in the necessity for a complex, precise arrangement of air traffic control procedures and flight patterns. In addition, this geographical area experiences weather phenomena of fog and low overcasts which dictate that air operations be conducted under Instrument Flight Rules conditions a substantial percentage of the time. During fiscal year 1961, there were 216,436 aircraft operations, 103,314 instrument operations and 18,277 instrument approaches conducted at the San Francisco International Airport. In this last respect, the airport is ranked second nationally. During the same fiscal year, there were 158,137 aircraft operations, 61,935 instrument operations and 9,425 instrument approaches conducted at the Oakland International Airport and its satellities.

The proposed KRON-TV antenna structure would be located 5.8 miles northwest of the San Francisco International Airport, 9.5 miles southwest of the Alameda Naval Air Station and 12.5 miles west-southwest of the Oakland International Airport. Current San Francisco-Oakland Bay Area IFR terminal procedures, together with the effects of the proposed structure on the procedures, are described below. In order to determine the volume of air traffic utilizing the various procedures, a sample of 25 days of high IFR activity in the area was selected from the 17-month period, January 1960 to June 1961. In addition, a 5-day survey of departure procedures used at San Francisco Airport during prevailing westerly wind conditions was made for the period May 3 through May 7, 1961.

*Departure procedures—San Francisco International Airport—Oakland departure.* "Climb outbound on the San Francisco VOR 287 radial to 2,000 feet. After passing San Francisco Gap radio beacon, turn right, intercept and climb inbound on the Oakland VORTAC 250 radial, cross Oakland VORTAC at (a minimum altitude of) 2500 feet." This trans-bay procedure is utilized to tunnel aircraft departing San Francisco Airport en route to Oakland or over Oakland eastbound beneath San Francisco arriving traffic. The proposed KRON-TV structure would be hazardous to aircraft executing this procedure because insufficient vertical or lateral separation would exist between the structure and the aircraft.

An ineffiecient use of airspace would result if the procedure were revised to provide the necessary obstruction clear-

ance. Aircraft would be required to climb outbound on the San Francisco VOR 287 radial to 2,300 feet before turning right to intercept the Oakland VORTAC 250 radial. They would further be required to climb to 2,900 feet (3,000 feet minimum usable altitude for air traffic control purposes) eastbound on the Oakland VORTAC 250 radial. This procedure would either require an excessive rate of climb to intercept the Oakland VORTAC 250 radial at 2,300 feet or an extended climb to the northwest beyond the San Francisco Gap radio beacon. The extended climb would require approximately two or more minutes of additional flight time to proceed further northwest and return to the 250 radial of the Oakland VORTAC. This increase in departure interval would result in cumulative delays to succeeding aircraft.

The May 1961 five-day survey revealed that 34 departures would be affected for a peak-day operation when wind conditions dictate the use of runway 28 at the San Francisco Airport. There is an average of 25 such departures daily.

*Hunters Point departure, Hunters Point-Shrimp departure, and Hunters Point-Offshore departure.* "Intercept and climb inbound on the Sausalito VORTAC 127 radial to the Oakland VORTAC 250 radial. Cross the Oakland VORTAC 250 radial at or above 1,700 feet. Turn left via the Oakland VORTAC 250 radial and continue climb to the (appropriate) intersection (west of the shoreline on the Pacific side of the Peninsula)." This procedure is utilized for San Francisco departures en route to the north, west or south and in some instances of traffic congestion, for departures en route to the east when higher altitudes are necessary over Oakland. The proposed structure would be hazardous to aircraft executing this procedure because insufficient vertical or lateral separation would exist between the structure and the aircraft.

An inefficient use of airspace would result if the procedure were revised to provide the necessary obstruction clearance. Aircraft would be required to cross the 250 radial of the Oakland VORTAC at 2,500 feet rather than the current altitude of 1,700 feet. This would necessitate an excessive rate of climb of 385 feet per mile. Consideration was given to the extension of the flight path to permit a normal rate of climb prior to interception of the Oakland VORTAC 250 radial at 2,500 feet. The selection of a radial of the Oakland VORTAC to the north of the 250 radial to provide lateral clearance from the proposed structure was also considered. However, either adjustment would cause aircraft executing this departure procedure to penetrate the buffer area associated with the San Francisco-Oakland radar boundary. This boundary was established to delineate the use of airspace over the San Francisco Bay for independent radar vectoring by the San Francisco and Oakland Airport Traffic Control Towers. Aircraft may not be vectored closer than 1½ miles from this boundary unless prior coordination is accomplished between the towers. Due to high terrain east of the Oakland Airport and west of the San Francisco Airport, the present radar vectoring areas between the two airports are the only areas available for low-altitude radar operations. These areas are extremely limited in airspace available and are critical from the standpoint of accommodating radar arrivals and departures at the two airports. Any reapportionment would result in an adverse effect upon terminal operations in the Bay area. Penetration of the radar buffer area by San Francisco departures would abrogate the simultaneous radar vectoring capability now possible by the San Francisco and Oakland towers and result in numerous air traffic delays. In addition, the necessity for interfacility coordination would diminish the ability of controllers to expedite the flow of air traffic through increased workload.

The 25-day traffic survey disclosed that 95 aircraft utilizing this procedure would be affected by the proposed structure on a peak day of IFR operations. A daily average of 32 such departures would be affected.

*Radar procedures—San Francisco International Airport.* Aircraft proceeding to the San Francisco Airport from over the Oakland VORTAC are radar vectored south to intercept the San Francisco Instrument Landing System localizer course. Under current procedures, these aircraft maintain 3,500 feet MSL until west of the San Francisco radar buffer area boundary and then commence descent to intercept the ILS glide path at 1,700 feet MSL at the outer compass locator. If the proposed structure is erected, aircraft executing an Oakland departure from San Francisco would be utilizing 3,000 feet MSL eastbound to the Oakland VORTAC, thus requiring westbound aircraft to maintain 4,000 feet until west of the radar buffer area boundary. An excessive rate of descent would be required of such traffic at 4,000 feet MSL in order to proceed on a direct course and intercept the ILS glide slope at the outer compass locator; remain within the prescribed airspace for executing the instrument approach procedure; and avoid the San Francisco-San Jose-Moffett radar buffer area. Shuttling south of the outer compass locator would be necessary to lose the additional altitude and cumulative delays to succeeding aircraft would result.

This change in procedure would affect an average of 66 operations daily to the San Francisco International Airport from the north and east, transitioning via Oakland. This figure is based upon a monthly average of approximately 8,000 San Francisco instrument operations per month, half of which (4,000) are considered as arrivals. With approximately half of these arriving via Oakland (2,000), a daily average of 66 aircraft would result.

High performance aircraft departing San Francisco Airport from runways 28 or 01 and using the Oakland or Hunters Point departure procedures are often able to attain an altitude of 2,500 feet MSL prior to interception of the Oakland VORTAC radial 250. Since sufficient obstruction clearance above the existing KRON–TV antenna exists at this altitude, the aircraft are radar vectored to the right or left, as the case may be, and on course prior to interception of the Oakland VORTAC 250 radial. Through the use of radar, this procedure permits a maximum of flexibility and a minimum interval between succeeding departures.

The proposed structure would require an increase in the minimum radar vectoring altitude from 2,500 feet MSL to 3,000 feet MSL within a radius of 3 miles of the structure and from 2,000 feet MSL to 2,500 feet MSL within a circular area, centered on the structure, having an inner radius of 3 miles and an outer radius of 5 miles. Consequently, it would be necessary to extend the climb path of the aircraft to attain the additional 500 feet of altitude prior to a radar vector to the right or left. Such action would increase the interval between departures, cause cumulative air traffic delays and decrease the effectiveness of the use of radar to expedite the movement of air traffic.

The 25-day traffic survey disclosed that approximately 90 San Francisco departures are radar vectored on a peak day of IFR operations. A daily average of 24 aircraft would be affected.

*Transition routes—Oakland Standard VOR Instrument Approach Procedure AL–294–VOR–RADIAL 132.* The proposed structure would be hazardous to aircraft proceeding at the minimum transition altitude of 2,500 feet MSL from over the San Francisco Gap radio beacon to the Oakland VORTAC because insufficient vertical or lateral separation would exist between the structure and the aircraft.

An inefficient use of airspace would result if the minimum transition altitude were increased to 3,000 feet MSL to provide the necessary obstruction clearance. As previously described under Radar Procedures-San Francisco International Airport, westbound aircraft being radar vectored from over the Oakland VORTAC to the San Francisco ILS localizer course would be required to remain at 4,000 feet MSL until west of the radar buffer area boundary with the resultant adverse effects outlined above.

*San Francisco Standard VOR Instrument Approach Procedure AL–375–VOR–RWYS 28L and R.* The proposed structure would require an increase in the minimum transition altitudes from the Stinson Beach and Richmond Intersections to the San Francisco VOR from 2,500 feet MSL to 3,000 feet MSL.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have an adverse effect upon aeronautical operations, procedures, and minimum flight altitudes; and it is hereby determined that this structure would be a hazard to air navigation.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted.

Issued in Washington, D.C., on October 19, 1961.

OSCAR W. HOLMES,
*Chief,*
*Obstruction Evaluation Branch.*

[F.R. Doc. 61-10231; Filed, Oct. 26, 1961; 8:45 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. RI61-532 etc.]

## PAN AMERICAN PETROLEUM CORP. ET AL.

### Order Consolidating Proceedings and Providing for Hearing

OCTOBER 20, 1961.

Pan American Petroleum Corporation (Operator) et al., Docket No. RI61-532; J. M. Huber Corporation et al., Docket No. RI61-533; Kansas Natural Gas, Inc., Kansas Natural Gas, Inc. (Operator) et al., N. Appleman Company et al., Graham-Michaelis Drilling Company (Operator) et al., William Graham Oil Company, (Operator) et al., Northern Pump Company, (Operator) et al., John B. Hawley, Jr., John B. Hawley, Jr., Trustee, G. S. & Norma D. Davidson, G. A. Kane et al., W. L. Hartman, (Operator) et al., Salmon Corporation, W. E. Bakke Oil Company, (Operator) et al., National Associated Petroleum Company et al., W. J. Coppinger, (Operator) et al., The PWC Corporation et al., Austin Brady, Petroleum, Inc., Graham-Michaelis Drilling Company, Walter F. Kuhn, et al., Docket No. RI62-100.

The above-entitled proceedings relate to filings proposing to increase the rates and charges for the jurisdictional sale of gas produced in the Hugoton Field, Kansas, and delivered to Cities Service Gas Company (Cities Service). The filings in Docket Nos. RI61-532 and RI61-533 were designated as Supplement No. 88 to Pan American Petroleum Corporation's (Operator), et al. (Pan American) FPC Gas Rate Schedule No. 84 and as Supplement No. 16 to J.M. Huber Corporation's (Huber) FPC Gas Rate Schedule No. 8. By order issued June 22, 1961, both tenders were suspended. However, on August 4, 1961, the Commission terminated the foregoing suspension proceedings without prejudice to any future action as to the aforementioned filings. Thereafter, the Commission issued an order on September 29, 1961, in those two dockets reopening and consolidating the proceedings, providing for hearing, and prescribing procedures. The proceedings were reopened for the limited purpose of determining whether the above-mentioned tenders of Pan American and Huber are filed in conformity with the provisions of the Natural Gas Act and the Commission's regulations thereunder.

Respondents in Docket No. RI62-100 are assignees of interests covered by the basic contract contained in Pan American's FPC Gas Rate Schedule No. 84 that have filed their own rate schedules as signatory co-owners and with one exception have tendered for filing proposed increased rates. Some of the proposed changes were accepted for filing and became effective on the dates shown in the following table. The remainder of the proposed changes have not yet been acted upon by the Commission. Information pertinent to the proposed changes and rate schedules of respondents in Docket No. RI62-100 is summarized in the following table:

| Producer [1] | Rate schedule no. | Supplement No. | Effective date of increased rate |
|---|---|---|---|
| Kansas Natural Gas, Inc. | 12 | 6 | 7-21-61 |
| Kansas Natural Gas, Inc. (Operator) et al. | 20 | 5 | 8-25-61 |
| N. Appleman Co., et al. | 1 | 11 | 7-27-61 |
| Graham-Michaelis Drilling Co. (Operator) et al. | 11 | 11 | 8- 5-61 |
| William Graham Oil Co. (Operator) et al. | 5 | 5 | 8- 5-61 |
| Northern Pump Co. (Operator) et al. | 5 | 7 | 9- 7-61 |
| John B. Hawley, Jr. | 1 | 7 | 9- 9-61 |
| | 1 | 8 | 9- 9-61 |
| John B. Hawley, Jr., trustee. | 1 | 3 | 9- 9-61 |
| G. S. and Norma Davidson | 1 | 5 | 9- 9-61 |
| G. A. Kane et al. | 1 | 5 | 9-21-61 |
| W. L. Hartman, (Operator) et al. | 3 | 6 | 9-18-61 |
| Salmon Corp. | 1 | 1 | 9-18-61 |
| W. E. Bakke Oil Co., (Operator) et al. | 1 | 5 | 10- 1-61 |
| National Associated Petroleum Co., et al. | 1 | 4 | 10-12-61 |
| W. J. Coppinger, (Operator) et al. | 6 | 16 | [3] |
| The PWC Corp., et al. | 1 | 4 | [3] |
| Austin Brady | 2 | 8 | [3] |
| Petroleum, Inc. | 3 | 8 | [3] |
| Graham-Michaelis Drilling Co. | 19 | [2] | |
| Walter F. Kuhn, et al. | 7 | 4 | 10-19-61 |

[1] Independent producers who have filed, except as indicated, for the 10.7195 cents per Mcf increased rate under the June 23, 1950, contract between Pan American Petroleum Corp., and Cities Service Gas Company.
[2] Respondent has not filed a notice of change proposing to increase its rate.
[3] No Commission action has been taken.

Cities Service has protested the filing of proposed increased rates by many of the respondents [1] in Docket No. RI62-100, and has requested that such filings be rejected by the Commission, or, in the alternative that a hearing be held on the matters and issues raised by it. Cities Service also has filed applications for rehearing with respect to many of the letter orders issued by the Commission [4] informing respondents that their proposed increased rates were permitted to become effective.

In its applications for rehearing, Cities Service protests the subject filings and states (1) that Pan American Petroleum Corporation (Operator), et al., as the only signatory party to the June 23, 1950, Pan American-Cities Service gas purchase contract which comprises the basic instrument in Pan American's FPC Gas Rate Schedule No. 84 should have included the interests of the producers (respondents in Docket No. RI62-100) to whom Pan American has "farmed out" acreage dedicated under the aforementioned gas purchase contract, when it filed the notice of change which is the subject of the proceeding in Docket No. RI61-532, (2) that respondents have not become substituted for Pan American in the contract in question, (3) that Pan American is the party responsible for the performance of said contract, (4) that respondents were not signatory parties to the instrument, (5) that respondents have no status under the Commission's regulations to make the filings, and (6) that in making the filings, respondents are attempting to prejudice Cities Service's contractual rights.

It appears to be the general position of Cities Service that none of the respondents in Docket No. RI62-100 has status under the Commission's regulations to make any rate filings. Under these circumstances we believe that a hearing should be held in the proceeding in Docket No. RI62-100 for the limited purpose of determining whether respondents' filings are in conformity with the provisions of the Natural Gas Act and the Commission's regulations thereunder. Such a course of action is deemed preferable to taking action with respect to the issues raised herein as each proposed change is tendered for filing by respondents or as each protest or application for rehearing is filed by Cities Service. Furthermore, it seems clear that any action taken by us in this matter with respect to Supplement No. 88 to Pan American's FPC Gas Rate Schedule No. 84 will also affect the rate filings of respondents involved in Docket No. RI62-100.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing for the limited purpose of determining whether the rate filings of respondents in Docket No. RI62-100 conform to the provisions of the Natural Gas Act and the Commission's regulations thereunder.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that, since common issues of fact and law are involved, the proceeding in Docket No. RI62-100 be consolidated for hearing with the proceedings in Docket Nos. RI61-532 and RI61-533.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commision by the Natural Gas Act, including sections 4, 15, and 16 thereof, and the Commission's rules of practice and procedure, the proceeding in Docket No. RI62-100 is hereby consolidated with the proceedings in Docket Nos. RI61-532 and RI61-533 for the purpose of hearing, and a public hearing shall be held in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing at 10:00 a.m., e.s.t., on November 15, 1961, concerning the matters and issues set forth in Finding (1) above, in addition to the matters and issues set forth in Finding (1) of the said order of September 29, 1961.

(B) At such hearing, Pan American shall proceed first to present its case in support of the position that the tender designated as Supplement No. 88 to its FPC Gas Rate Schedule No. 84 is filed in conformity with the provisions of the Natural Gas Act and the Commission's regulations.

(C) Immediately following cross-examination of Pan American's testimony,

[4] The time within which a protest or an application for rehearing might be filed by Cities Service, as the case may be, has not expired in some instances.

Huber shall proceed to present its case in support of its position that the tender designated as Supplement No. 16 to its FPC Gas Rate Schedule No. 8 is filed in conformity with the provisions of the Natural Gas Act and the Commission's regulations.

(D) Immediately following the cross-examination of Huber's testimony, respondents in Docket No. RI62–100 shall proceed to present their cases in the sequence in which they appear in the table herein, in support of the position that their respective rate filings are in conformity with the provisions of the Natural Gas Act and the Commission's regulations. Each respondent shall be subject to cross-examination immediately following the presentation of its case.

(E) Thereafter, all other parties to these consolidated proceedings shall present evidence and testimony with respect to the issues designated in Paragraph (A) above, insofar as applicable to those proceedings in which they have been permitted to intervene.

(F) Consistent with the Commission's rules of practice and procedure, the Presiding Examiner shall then determine and order such further procedures as will expedite the determination of the issues in these proceedings.

(G) Ordering paragraphs (F) and (G) of the said order of September 29, 1961, are hereby modified to conform with the provisions of this order.

(H) Notices of intervention or petitions to intervene in the proceeding in Docket No. RI62–100 may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure, 18 CFR 1.8 and 1.37(f) on or before November 10, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–10239; Filed, Oct. 26, 1961; 8:47 a.m.]

[Project Nos. 943, 2114]

## PUGET SOUND POWER AND LIGHT CO. ET AL.

### Order Changing Place of Hearing

OCTOBER 19, 1961.

Puget Sound Power & Light Company and Public Utility District No. 1 of Chelan County, Washington, Project No. 943; Public Utility District No. 2 of Grant County, Washington, Project No. 2114.

The Commission's order of September 5, 1961, fixed October 30, 1961, as the date for hearing in the above-entitled proceeding in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C. at 10 a.m., e.s.t.

Since issuance of this order, the Commission has received numerous requests from parties and other governmental agencies directly involved in the above proceeding requesting that the Commission consider holding the hearing in Portland, Oregon or Ephrata, Washington. The basis for these requests is the convenience of the parties and agencies involved, as well as the convenience of the witnesses, all of whom live on the West Coast and some of whom are employees of the Federal Government.

The Commission finds: It is appropriate and in the public interest that the hearing in the above proceeding be held in Portland, Oregon.

The Commission orders: The hearing in the above-entitled proceeding previously fixed by order of September 5, 1961, shall be held on October 30, 1961, at 10 a.m., P.s.t., in the United States Courthouse (Seventh Floor) at Broadway and Main Street, Portland, Oregon.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–10240; Filed, Oct. 26, 1961; 8:47 a.m.]

[Docket No. RI61–106]

## STANTON OIL CO., LTD.

### Order Providing for Hearing on and Suspension of Proposed Change of Rate and Allowing Rate To Become Effective

OCTOBER 19, 1961.

On September 19, 1961, Stanton Oil Co., Ltd. (Stanton)[1] tendered for filing a proposed change in rate subject to the jurisdiction of the Commission. The change, relating to sales to El Paso Natural Gas Company from the producing area of the Levelland Field, Cochran County, Texas, was designated Supplement No. 2 to Stanton's FPC Gas Rate Schedule No. 1. The filing proposes an increase, based on tax reimbursement, from 15.5 to 15.70925 cents per Mcf, at a pressure base of 14.65 psia, amounting to an annual increase of $527. No effective date was requested. The current rates are in effect subject to refund in Docket No. RI61–106.[2]

The proposed rate exceeds the applicable area rate level as set forth in the Commission's Statement of General Policy No. 61–1.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed change contained in the above-designated supplement.

(B) Pending hearing and decision thereon, the above-designated rate supplement is hereby suspended and the use thereof deferred until October 21, 1961, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplement shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of issuance of this order Stanton shall execute and file under the above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedules involved. Unless Stanton is advised to the contrary within 15 days after the filing of such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 23, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–10241; Filed, Oct. 26, 1961; 8:47 a.m.]

[Docket Nos. RI62–101—RI62–111]

## SUN OIL CO. ET AL.

### Order Providing for Hearings on and Suspension of Proposed Changes in Rates[1]

OCTOBER 20, 1961.

Sun Oil Company, Docket No. RI62–101; Humble Oil & Refining Company, Docket No. RI62–102; Shoreline Exploration, Inc., Docket No. RI62–103; Placid Oil Company (Operator), et al., Docket No. RI62–104; Lamar Hunt Trust Estate Docket No. RI62–105; Texaco Inc., Docket No. RI62–106; Texaco Inc. (Operator), et al., Docket No. RI62–107; Texaco Seaboard Inc., Docket No. RI62–108; Tidewater Oil Company (Operator), et al., Docket No. RI62–109; Tidewater Oil Company, Docket No. RI62–110; Harper Oil Company (Operator), et al., Docket No. RI62–111.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas, subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

[1] c/o Bernard A. Foster, Jr., 725 15th Street NW., Washington 5, D.C.

[2] This proceeding has been consolidated for hearing with the proceedings in the Area Rate Proceeding Docket No. AR61–1, et al.

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date [1] unless suspended | Date suspended until— | Cents per Mcf [2] | | Rate in effect subject to refund docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | Rate in effect | Proposed increased rate | |
| RI62-101 | Sun Oil Co., 1608 Walnut St., Philadelphia 3, Pa. | 29 | 13 | Texas Eastern Transmission Corp. (Gist Field, Jasper and Newton Counties, Tex.) (R.R. District No. 3) | $11 | 9-22-61 | 11-1-61 | 4-1-62 | [3] 15.0 | [3] 15.2 | RI61-129 |
| | | 38 | 10 | United Fuel Gas Co (Ellis Field, Acadia Parish, La.) (South Louisiana) | 15,513 | 9-22-61 | 11-1-61 | 4-1-62 | 19.9 | 20.3 | RI61-129 |
| | | 75 | 7 | United Fuel Gas Co. (Branch Field, Acadia Parish, La.) (South Louisiana) | 840 | 9-22-61 | 11-1-61 | 4-1-62 | 19.9 | 20.3 | RI61-129 |
| | | 76 | 7 | United Fuel Gas Co. (North Chalkley Field, Calcasieu and Jefferson Davis Parishes, La.) (South Louisiana) | 5,385 | 9-22-61 | 11-1-61 | 4-1-62 | 19.9 | 20.3 | RI61-129 |
| RI62-102 | Humble Oil and Refining Co., P.O. Box 2180, Houston 1, Tex. | 151 | 2 | Texas Eastern Transmission Corp. (Southeast Joaquin Field, Shelby County, Tex.) (R.R. District No. 6) | 186 | 9-22-61 | 11-1-61 | 4-1-62 | 15.0 | 15.2 | RI61-132 |
| RI62-103 | Shoreline Exploration, Inc., 2625 Line Ave., Shreveport, La. | 1 | 2 | United Gas Pipe Line Co. (Gibson Field, Terrebonne Parish, La.) (South Louisiana) | 2,981 | 9-25-61 | 10-26-61 | 3-26-62 | 20.25 | 22.25 | ---------- |
| RI62-104 | Placid Oil Co. (Operator), et al. 418 Market St., Shreveport, La. | 29 | 1 | H. L. Hunt, et al. (Whelan Field, Harrison County, Tex.) (R.R. District No. 6) | 637 | 9-25-61 | 11-1-61 | 4-1-62 | 12.5 | 12.7 | RI61-213 |
| RI62-105 | Lamar Hunt Trust Estate, 700 Mercantile Bank Bldg., Dallas, Tex. | 8 | 9 | Texas Eastern Transmission Corp. (Luck Field, Bienville Parish, La.) (North Louisiana) | 646 | 9-25-61 | 11-1-61 | 4-1-62 | 16.211 | 16.4161 | RI61-194 |
| RI62-106 | Texaco Inc., P.O. Box 2332, Houston 1, Tex. | 160 | 6 | Texas Eastern Transmission Corp. (Del Grullo and East White Point Fields, Kleberg and San Patricio Counties, Tex.) (R.R. District No. 4) | 2,507 | 9-25-61 | 11-1-61 | 4-1-62 | 15.0 | 15.2 | RI61-150 |
| RI62-107 | Texaco Inc. (Operator), et al., P.O. Box 2332, Houston 1, Tex. | 170 | 5 | Texas Eastern Transmission Corp. (Hidalgo Field, Hidalgo County, Tex.) (R.R. District No. 4). | 17,437 | 9-25-61 | 11-1-61 | 4-1-62 | 15.0 | 15.2 | RI61-149 |
| RI62-108 | Texaco Seaboard, Inc., P.O. Box 2332, Houston 1, Tex. | 22 | 6 | Texas Eastern Transmission Corp. (Chapman Ranch Field, Nueces County, Tex.) (R.R. District No. 4). | 2,784 | 9-25-61 | 11-1-61 | 4-1-62 | 15.0 | 15.2 | RI61-147 |
| RI62-109 | Tidewater Oil Co. (Operator), et al. P.O. Box 1404, Houston 1, Tex. | 25 | 9 | United Fuel Gas Co. (Florence Field, Vermillion Parish, La.) (South Louisiana) | 4,717 | 9-25-61 | 11-1-61 | 4-1-62 | 19.9 | 20.3 | RI61-159 |
| | | 57 | 8 | Texas Eastern Transmission Corp. (Willow Springs Field, Gregg County, Tex.) (R.R. District No. 6) | 1,578 | 9-25-61 | 11-1-61 | 4-1-62 | 15.0 | 15.2 | RI61-125 |
| RI62-110 | Tidewater Oil Co., P.O. Box 1404, Houston 1, Tex. | 87 | 4 | Texas Eastern Transmission Corp. (Chalk Hill Field, Rusk County, Tex.) (R.R. District No. 6) | 65 | 9-25-61 | 11-1-61 | 4-1-62 | 15.0 | 15.2 | RI61-124 |
| RI62-111 | Harper Oil Co. (Operator), et al., c/o Jacob Goldberg, Attorney, 1832 Jefferson Place NW., Washington 6, D.C. | 1 | 13 | Cities Service Gas Co. (Oklahoma County, Okla.) | 36,494 | 9-21-61 | 10-22-61 | 3-22-62 | 10.0 | 15.0 | ---------- |

[1] The stated effective date is the first day after expiration of the required statutory notice or, if later, the date requested by Respondent.

[2] The rates for sales from Louisiana are at a pressure base of 15.025 psia; the others are at a pressure base of 14.65 psia.

[3] Includes 15.5¢ per Mcf for compression charged by Purchaser.

The proposed changes in rate are all periodic rate increases, except that of Harper Oil Company (Operator), et al., which is a unilateral rate increase.

The proposed increased rate of Placid Oil Company (Operator), et al., while below the area price level established by the Commission's Statement of General Policy No. 61-1, is related to the purchaser's resale rate which exceeds the area price level. The other proposed increased rates exceed the applicable area price levels.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37) on or before December 5, 1961.

By the Commission.[1]

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-10243; Filed, Oct. 26, 1961; 8:47 a.m.]

[Docket No. G-9174 etc.]

## TENNESSEE GAS TRANSMISSION CO.

### Order Redesignating Proceedings, Substituting Respondents and Requiring Filing of Undertakings To Assure Refund of Excess Charges

OCTOBER 20, 1961.

Tennessee Gas Transmission Company, Docket Nos. G-9174, G-9387, G-11039, G-11081, G-13427, G-13431, G-15074, G-15452, G-15508, G-16485, G-16650.

Tennessee Gas Transmission Company (Tennessee) on February 12, 1960, filed a motion to be substituted in lieu of

[1] Commissioner O'Connor dissenting in part.

Middle States Petroleum Corporation (Middle States) in the above-named dockets.[1] Additionally, Tennessee states that it agrees to assume any and all obligations in and to the agreements and undertakings of Middle States.

Previously, Tennessee had filed notices of succession to the rate schedules of Middle States which are the subject of the proceedings herein and others. Said notices have been accepted for filing and, on the basis thereof, the rate schedules have been redesignated in the name of Tennessee.

In support of its motion, Tennessee states (1) that Middle States was merged into Tennessee effective July 31, 1959, with Tennessee being the surviving corporation, and (2) that as a result of said merger, Tennessee has acquired the total assets and assumed all the liabilities of Middle States.

The Commission finds:

(1) Good cause has been shown for granting Tennessee's motion to be substituted as the Respondent in the above-captioned proceedings, and for requiring Tennessee to file appropriate undertakings therein.

(2) In view of the foregoing findings, the above-captioned proceedings should be redesignated Tennessee Gas Transmission Company.

The Commission orders:

(A) Pursuant to its motion of February 12, 1960, Tennessee Gas Transmission Company is substituted nunc pro tunc as respondent in the above-captioned proceedings.

(B) The above-captioned proceedings are hereby redesignated Tennessee Gas Transmission Company.

(C) Tennessee Gas Transmission Company is directed to file appropriate agreements and undertakings in each of the above-captioned proceedings wherein such agreements and undertakings have not heretofore been filed by it.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-10242; Filed, Oct. 26, 1961; 8:47 a.m.]

[Docket No. DA-1010-California]

## CALIFORNIA

### Lands Withdrawn in Project No. 376; Vacation of Withdrawal

OCTOBER 20, 1961.

Application was filed by the San Benito County Water Conservation and Flood Control District, through the District Engineer, Public Works Offices, San Benito County, California, for release from power withdrawal of the following-described lands:

MT. DIABLO MERIDIAN, CALIFORNIA

T. 18 S., R. 10 E.,
Sec. 1 N½ lot 14.
T. 18 S., R. 11 E.,
Sec. 6, lots 6 and 7.*

(*NOTE: Erroneous description in application shows these tracts in section 1; however no power withdrawal exists in that section.)

Applicant indicates it proposes to construct a water conservation dam and reservoir which would include the above lands.

Commission action is being extended to cover the following-described additional lands all of which are included in the same power withdrawal pertaining to the lands described above:

T. 16 S., R. 10 E.,
Sec. 25, NW¼SW¼;
Sec. 35, NE¼NE¼.
T. 17 S., R. 10 E.,
Sec. 26, W½SE¼.
T. 18 S., R. 10 E.,
Sec. 1, lots 2, 3, 5, SE¼NW¼ and NE¼SW¼.
T. 17 S., R. 11 E.,
Sec. 7, lots 3, 4, 8, 9, 10, 16, 17, 19, 20, and 21;
Sec. 18, lots 1, 2, 3, N½ of 5, N½ of 9, and 10;
Sec. 31, lots 3, 4 and 5.
T. 18 S., R. 11 E.,
Sec. 6, lots 5 and N½ of 14.

All of the subject lands lie within the San Benito basin and are withdrawn pursuant to the filing on January 9, 1923, of an application for a preliminary permit for proposed Project No. 376, which application was rejected April 4, 1924.

Project No. 376 proposed the construction of Hernandez dam and reservoir on San Benito River. About 90 percent of the power generated would have been used for pumping needs and the remainder for general purposes in connection with irrigation developments in the Panoche Creek area. With the exception of portions of the lands in sec. 1, T. 18 S., R. 10 E., where the damsite of the once proposed Project No. 376 is located, all of the subject tracts were proposed to be used for canal or tunnel location. Such conduit location is uncertain, but in any event, the affected tracts could be by-passed, thus rendering ineffectual their need for power purposes.

Moreover, in view of the existing appropriation of available water in the area for irrigation purposes and the superior need of future additional supplies for such purposes, the development of power in connection with the Hernandez site seems unlikely. Consequently, the power value of the lands appears to be negligible.

The Commission finds: The existing power withdrawal under section 24 of the Federal Power Act pertaining to the above-described lands, pursuant to the filing of the application for a preliminary permit for proposed Project No. 376 serves no useful purpose and vacation of the withdrawal is appropriate.

The Commission orders: The existing power withdrawal under section 24 of the Federal Power Act pertaining to the above-described lands pursuant to the filing of the application for a preliminary permit for proposed Project No. 376 is vacated.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-10244; Filed, Oct. 26, 1961; 8:47 a.m.]

[Docket No. CP61-234 etc.]

## MONTANA-DAKOTA UTILITIES CO. ET AL.

### Notice of Applications, Consolidation and Date of Hearing

OCTOBER 23, 1961.

Montana-Dakota Utilities Co., Docket Nos. CP61-234, CP61-297; Amerada Petroleum Corporation, Docket No. CI61-1133; Signal Oil and Gas Company, Docket No. CI61-1271; Lyda Hunt-Herbert Trusts, et al., Docket No. CI61-1621; The TXL Oil Corporation, Docket No. CI61-1687; Continental Oil Company, Operator et al., Docket No. G-14440.

Take notice that: Montana-Dakota Utilities Co. (Mon-Dakota), a Delaware corporation with principal place of business at 831 Second Avenue South, Minneapolis 2, Minnesota, filed in Docket No. CP61-234 on March 7, 1961, as supplemented May 23, 1961, June 26, 1961, August 24, 1961, and September 28, 1961, and in Docket No. CP61-297 on May 23, 1961, as amended and supplemented June 29, 1961 and October 2, 1961, applications for certificates of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act (Act), authorizing Mon-Dakota to construct and operate pipeline facilities and to transport and deliver additional volumes of gas to existing and heretofore unserved markets and to integrate an existing intrastate pipeline with its interstate gas transmission system; additionally, Amerada Petroleum Corporation (Amerada), a Delaware corporation with principal place of business at New York City, New York, Signal Oil and Gas Company (Signal), a Delaware corporation with principal place of business at 1010 Wilshire Boulevard, Los Angeles 17, California, Lyda Hunt-Herbert Trusts, et al. (Hunt-Herbert), a group of trusts created under the laws of Texas, with principal office at 700 Mercantile Bank Building, Dallas, Texas, The TXL Oil Corporation (TXL Oil), a Delaware corporation with principal place of business at 3100 Fidelity Union Tower, Dallas 1, Texas, and Continental Oil Company, Operator, et al. (Continental), a Delaware corporation with principal place of business at 1300 Main Street, Houston 2, Texas, filed applications[1] for certificates of public convenience and necessity, pursuant to section 7(c) of the Act, authorizing them to sell gas produced from various leases and units in North Dakota and Wyoming to Mon-Dakota, all as hereinafter described, subject to the jurisdiction of the Commission, as more fully represented in the above-

[1] Middle States is the successor in interest to Midstates Oil Corporation. On December 31, 1958 Middle States acquired through assignment the total assets and liabilities of Midstates Oil Corporation. Thereafter, the Commission accepted for filing Middle States' notices of succession to the FPC Gas Rate Schedules of Midstates Oil Corporation and redesignated Midstates Oil Corporation's FPC Gas Rate Schedules as Middle States Petroleum Corporation's FPC Gas Rate Schedules.

[1] Except Continental who filed an application to amend an existing certificate in Docket No. G-14440.

mentioned applications and supplements thereto which are on file with the Commission and open for public inspection.

In Docket No. CP61–234, Mon-Dakota proposes (1) to extend from Tioga, North Dakota, to Minot, North Dakota, the existing northeast branch of its "X-shaped" interstate transmission system by merging this interstate portion of its system with its intrastate line which presently runs from Tioga to Minot, (2) to interconnect the extension to Minot, resulting from the aforesaid merger of intrastate and interstate lines, with an extension which presently terminates at Bismarck, North Dakota, by constructing a new 106-mile, 12-inch line between Minot and Bismarck, and (3) to initiate retail natural-gas service in six communities and a radar base situated along the route of the proposed interconnecting line. Mon-Dakota proposes to extend five 2-inch branch lines, having a total length of about 19.5 miles, from the 106-mile interconnection in order to serve the Minot Radar Base near Minot and four of the aforesaid six communities, that is, Max, Turtle Lake, Washburn, and Wilton, North Dakota. Two 3-inch branch lines, totaling approximately 22 miles in length, are proposed to be extended from the 106-mile interconnection to provide service in the remaining two communities of Garrison and Underwood, North Dakota. In conjunction with serving natural gas in these communities and the radar base, Mon-Dakota proposes to construct and operate the necessary city-gate stations and, in addition, proposes to construct and operate a measuring and regulating station at the terminus of the 106-mile interconnecting line near Bismarck. The estimated third-year maximum daily requirements of all six communities and the radar base total 2,640 Mcf and the estimated annual requirements are 308,590 Mcf.

The above-described interconnection, branch lines and measuring stations are estimated to cost approximately $3,832,680 and Mon-Dakota also proposes to expend about $455,700 to construct distribution facilities in the six communities where it will act as the local distributor of gas as well as the interstate pipeline supplier.[2] Mon-Dakota expects to finance the $4,288,380 total cost of both transmission and distribution facilities by the issuance and sale of 50,000 shares of preferred stock at $100 par value per share.

The primary purpose of Mon-Dakota's proposed interstate assimilation of its present intrastate line and construction of the 106-mile interconnecting line is to enable Mon-Dakota to receive into its system additional supplies of natural gas which Amerada and Signal propose to sell it in Docket Nos. CI61–1133 and CI61–1271, respectively, as hereinafter described. The incremental deliveries which Signal and Amerada propose to make to Mon-Dakota herein are to be made from the outlet of Signal's Tioga Gasoline Plant where Mon-Dakota presently receives gas from Amerada and Signal. Among other things, Mon-Dakota avers that its proposed project in Docket No. CP61–234 is the most economical and feasible means of affording its customers assurance of continuous service and of improving the deliverability life of its gas supply. Mon-Dakota's total system annual deliveries are expected to increase from 39,342,118 Mcf in 1960 to 42,223,100 Mcf in 1964, including the new sales proposed in Docket No. CP61–297 as hereinafter described.

Amerada's application filed January 27, 1961, in Docket No. CI61–1133, seeks authorization to sell natural gas produced from the Nesson Anticline Area in Burke, McKenzie, Mountrail and Williams Counties, North Dakota, to Mon-Dakota, pursuant to a contract with Mon-Dakota dated January 10, 1961.

Signal's application filed February 27, 1961, as supplemented July 12, 1961 and September 6, 1961, in Docket No. CI61–1271, seeks authority to sell to Mon-Dakota at the outlet of its Tioga Gasoline Plant the residue gas which remains after Signal has collected gas in its own gathering system from the producers' wellheads and has processed such gas in its gasoline plant. Signal obtains the gas it proposes to sell to Mon-Dakota from producers who operate wells in the aforementioned Nesson Anticline and pays such producers a percentage of the proceeds received by Signal from sale of the residue gas and of the products recovered from the gas. Since Amerada owns a portion of the residue gas produced from the Tioga Plant, Amerada has filed its own application in the abovementioned Docket No. CI61–1133.

Signal proposes to sell gas to Mon-Dakota pursuant to a contract dated January 18, 1961. Both Signal's and Amerada's contracts provide for a total initial price of 17.045 cents per Mcf, at a pressure base of 14.73 pounds per square inch absolute, when a tax reimbursement by Mon-Dakota of .045 cents per Mcf is included. The residue gas is to be delivered to Mon-Dakota at the outlet of the Tioga Gasoline Plant at a delivery pressure of up to 700 pounds per square inch gauge. The contracts provide for a one-cent price escalation every five years, the first one to occur on January 1, 1966, and the last one on January 1, 1981. The contracts also contain indefinite price escalation provisions based upon "* * * the most recently published Bureau of Labor Statistics index of wholesale prices * * ".

In Docket No. CP61–297, as in Docket No. CP61–234, Mon-Dakota proposes to increase its gas reserves and to receive into its interstate system additional quantities of natural gas primarily to provide continuous service to its existing customers since only minor volumes of gas will be needed to supply the new markets proposed for service in Docket No. CP61–297. Mon-Dakota proposes to receive delivery of the additional gas supplies by constructing a line from its existing system to a gasoline plant, known as the North Tioga Plant which is located in Burke County, North Dakota, and is owned and operated by Lyda Hunt-Herbert Trusts. This 8-inch interconnecting line would extend 13.6 miles in a northeasterly direction, at a point near Tioga, from Mon-Dakota's existing system to Hunt-Herbert's North Tioga Plant.

TXL Oil has a gasoline plant near Lignite, North Dakota, and proposes to construct about 24 miles of 8-inch line in a southwesterly direction to the vicinity of the North Tioga Plant so as to sell and deliver to Mon-Dakota the residue gas which is produced in TXL Oil's Lignite Gasoline Plant. Mon-Dakota estimates that its gas reserves will be increased by 78,134 MMcf, at a pressure base of 14.73 pounds per square inch absolute, through acquirement of the reserves related to the residue gas to be delivered from the Lignite and North Tioga Plants, thereby increasing its total estimated reserves, as of January 1, 1961, to 1,258,589 MMcf. Mon-Dakota expects deliveries from the Lignite Plant to be about 6,500 Mcf per day in the first year and deliveries from the North Tioga Plant to amount to approximately 4,300 Mcf per day in the first year, or a total of 10,800 Mcf per day from both plants.

In Docket No. CP61–297, Mon-Dakota proposes further to improve its gas supply position by installing 298 horsepower of additional compressor facilities[3] and revising the facilities in its existing South Elk Basin Compressor station which is located in northern Park County, Wyoming. This station is now used to compress solution gas, produced from the Frontier and Middle Frontier formations, and purchased from Continental Oil Company under a contract with Continental dated August 30, 1957. An amendment dated March 1, 1961, of the 1957 contract with Continental covers the sale to Mon-Dakota of gas to be produced from the Torchlight formation. Additionally, Continental and Mon-Dakota have executed a contract dated January 1, 1960, superseding a prior contract dated January 23, 1951, which provides for the sale to Mon-Dakota of low-pressure gas to be produced from the Cloverly-Morrison formation. Mon-Dakota states that the present capacity of the South Elk Station is 3,200 Mcf per day, whereas Continental has solution gas available in this area in the amount of approximately 4,500 Mcf per day so that unless the additional compressor facilities are installed, this volume of about 1,300 Mcf by which solution gas availability exceeds existing compressor capacity will have to be flared and wasted. Installation of the additional 298 horsepower of compressor facilities will give the South Elk Station a capacity of 6,000 Mcf per day. Although compressor capacity will then exceed the availability of solution gas by about 1,500 Mcf per day, such addi-

[2] Mon-Dakota has obtained franchises to serve natural gas in these six communities and on September 14, 1961, the North Dakota Public Service Commission issued an order in Case No. 6082 granting Mon-Dakota a certificate to construct and operate distribution systems in Max, Garrison, Turtle Lake, Underwood, Washburn, and Wilton and to serve the Minot Radar Base.

[3] On October 6, 1961, the Commission granted Mon-Dakota temporary authorization to construct the 298 additional horsepower of compression at the South Elk Basin Compressor Station, but temporary authority was denied as to all other proposed construction in Docket No. CP61–297.

tional capacity will not be idle because Mon-Dakota proposes to use this 1,500 Mcf of compressor capacity to compress gas well gas, to be produced from the Cloverly-Morrison formation, in volumes varying from 0 to 1,500 Mcf per day.

The new retail service proposed by Mon-Dakota in Docket No. CP61–297 consists of providing natural gas to the three communities of Alexander, Arnegard and Watford City, North Dakota, and to the Holly Sugar Corporation (Holly Sugar), a new industrial customer whose plant is located near Hardin, Montana. The three North Dakota communities are proposed to be served by means of a lateral, composed of 11.7 miles of 6-inch pipe and 17 miles of 4-inch pipe, to be constructed in a southeasterly direction from the northeast branch of Mon-Dakota's existing system which extends from Cabin Creek, Montana, to Tioga, North Dakota. The 4-inch portion of this lateral will terminate at the city-gate station to be constructed for delivering gas at Watford City. Two branch lines, each about one mile long and two inches in diameter, will be constructed from the Watford City lateral, together with the necessary city-gate stations, to initiate natural-gas service in Alexander and Arnegard.

Mon-Dakota will also construct the necessary distribution systems in these three communities since it proposes to perform the dual role of gas supplier and distributor in all three communities. The application states that Mon-Dakota will obtain the requisite franchises from the communities and will file an application with the North Dakota Public Service Commission seeking a certificate of public convenience and necessity authorizing the construction of the necessary distribution systems. The third-year maximum daily requirements of these three communities are estimatcd to be 980 Mcf and the annual requirements are estimated at 114,390 Mcf.

Mon-Dakota proposes to serve Holly Sugar's plant by constructing approximately 1.6 miles of 4-inch lateral in a northwesterly direction from the southwestern branch of its system extending from Cabin Creek, Montana, to the vicinity of Worland, Wyoming. Gas will be used by Holly Sugar in the sugar beet pulp dryer which is being installed in Holly Sugar's plant situated near Hardin, Montana. The maximum daily requirements of the dryer are estimated at 2,000 Mcf and the annual requirements are contemplated to total 122,000 Mcf as the dryer will be operated only about 100 days each year, beginning in October of each year. Mon-Dakota states that the proposed four-inch line will be adequate to supply probable future fuel requirements of the plant.

The estimated total cost of all the facilities, hereinbefore described, which Mon-Dakota proposes to construct and operate in Docket No. CP61–297 is $1,065,100, which may be assigned to the individual project as follows: for the facilities required to receive deliveries of gas from the Lignite and North Tioga Gasoline Plants, $319,480; for revision of existing facilities and addition of 298 horsepower of compression at the South Elk Basin Compressor Station, $71,060; for construction of the necessary transmission and distribution facilities to initiate service to the three North Dakota communities of Alexander, Arnegard and Watford City, $642,420; and for construction of facilities needed to serve the Holly Sugar Plant, $32,140. Mon-Dakota states that it will finance these construction costs from working capital and short-term bank loans.

Hunt-Herbert's application, filed May 11, 1961, as supplemented July 13, 1961, in Docket No. CI61–1621, seeks authorization to sell to Mon-Dakota all surplus residue gas available for sale at the tailgate of Hunt-Herbert's North Tioga Plant, pursuant to a contract with Mon-Dakota dated March 27, 1961. This contract provides that Mon-Dakota will take all surplus residue gas available at the North Tioga Plant, or pay for such gas if not taken, at a price of 16 cents per Mcf, at a pressure base of 14.73 pounds per square inch absolute, including all presently existing taxes. Future taxes which may be imposed will be borne equally by Mon-Dakota and Hunt-Herbert up to a total increase of one cent per Mcf. The 20-year contract has fixed escalation provisions of one cent per Mcf at the end of the first five years following initial deliveries of gas and at five-year intervals thereafter. Hunt-Herbert will deliver the gas at any pressure desired by Mon-Dakota up to 850 pounds per square inch gauge.

TXL Oil's application filed May 23, 1961, as supplemented October 2, 1961, in Docket No. CI61–1687, seeks authority to sell to Mon-Dakota all the surplus residue gas available at its Lignite Gasoline Plant, pursuant to a contract dated March 9, 1961, between Oilchem Corporation and Mon-Dakota. Oilchem Corporation assigned its interest in the aforesaid contract to TXL Oil by instrument dated April 27, 1961. TXL Oil's Lignite Plant is situated in the north central portion of Burke County, North Dakota, and TXL Oil proposes to construct about 24 miles of 8-inch pipeline from its Lignite Plant in a southwesterly direction to connect with the terminus of Mon-Dakota's 13½-mile line which the latter proposes to construct northward from the vicinity of Tioga in order to take deliveries of residue gas available at Hunt-Herbert's North Tioga Plant.

The price provisions, delivery pressure and other aspects of TXL Oil's contract are almost identical to the Hunt-Herbert contract described above except that TXL Oil accompanied its supplement, filed October 2, 1961, to its application in Docket No. CI61–1687 with an amendment dated August 31, 1961, of its contract with Mon-Dakota providing that Mon-Dakota is obligated to take or pay for only the volumes of the residue gas available at TXL Oil's Lignite Plant to the extent that Mon-Dakota's existing interstate facilities are able to take such gas during the months of March through October inclusive. This modification of the take-or-pay-for provisions is to be effective only until such time as Mon-Dakota obtains the necessary authorization to increase the interstate capacity of its system sufficiently to take the entire output of surplus residue gas from TXL Oil's Lignite Plant, as provided in the original contract.

Continental filed on June 26, 1961, an application to amend the certificate issued to it on July 17, 1958, in Docket No. G–14440 in the proceeding Montana-Dakota Utilities Co., et al., Docket Nos. G–13965, et al., 20 FPC 50, seeking authority to sell to Mon-Dakota additional gas which will be produced from the Torchlight formation, pursuant to an amendment dated March 1, 1961, of Continental's contract with Mon-Dakota dated August 30, 1957, and heretofore designated in the Commission's files as Continental's FPC Gas Rate Schedule No. 156. Continental desires to sell gas produced from the Torchlight formation under the same terms and conditions as those stated in its Rate Schedule No. 156, which provides for a price for gas sold to Mon-Dakota of 10 cents per Mcf, at a pressure base of 15.025 pounds per square inch absolute, including all taxes effective on August 30, 1957, when the contract was executed. Twelve years after the effective date of this agreement, the 10-cent price is scheduled to escalate to 11 cents per Mcf for the duration of the 20-year contract. The contract additionally contains an indefinite price-escalation provision.

According to Continental's application to amend, the Torchlight formation occurs at an interval of from 5,800 to 5,820 feet and underlies the Middle Frontier formation from which the gas involved in Docket No. G–14440 is now authorized to be sold. Gas from the Torchlight formation is to be produced and delivered at a pressure of 55 pounds per square inch gauge from leases in the South Elk Basin Field in Park County, Wyoming, where Mon-Dakota proposes to increase the horsepower and rearrange facilities in its existing compressor station, as hereinbefore described.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held November 27, 1961, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington 25, D.C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 13, 1961.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–10255; Filed, Oct. 26, 1961; 8:49 a.m.]

[Project No. 372]

## SOUTHERN CALIFORNIA EDISON CO.

### Notice of Application for Amendment of License

OCTOBER 23, 1961.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Southern California Edison Company, P.O. Box 351, Los Angeles 53, California, licensee for Project No. 372, for amendment of its license for the project located on Middle Fork of Tule River in Tulare County, California, and affecting lands of the United States within the Sequoia National Forest.

The application states that the flumes and ditches of the project conduit between a point in NW¼ of the SW¼ of section 28 and a point in the SE¼ of the SW¼ of section 29, T. 20 S., R. 30 E., M.D.B. & M., have been replaced with two 30-inch diameter welded steel pipes, and the flumes and ditches have been removed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 5, 1961. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–10256; Filed, Oct. 26, 1961; 8:49 a.m.]

# FEDERAL RESERVE SYSTEM

## GENERAL BANCSHARES CORP.

### Notice of Applications for Approval of Acquisitions of Shares of Banks

Notice is hereby given that applications have been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), by General Bancshares Corporation, which is a bank holding company located in St. Louis, Missouri, for the prior approval of the Board of the acquisitions by applicant of up to 100 percent of the voting shares (except for directors' qualifying shares) of Lindbergh Bank, Hazelwood, Missouri, and Commercial Bank of St. Louis County, Olivette, Missouri.

In determining whether to approve these acquisitions, the Board is required by the Bank Holding Company Act to take into consideration the following factors in each case: (1) The financial history and condition of the company and the banks concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisitions may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Dated at Washington, D.C., this 24th day of October 1961.

By order of the Board of Governors.

[SEAL] ELIZABETH L. CARMICHAEL,
*Assistant Secretary.*

[F.R. Doc. 61–10254; Filed, Oct. 26, 1961; 8:49 a.m.]

# HOUSING AND HOME FINANCE AGENCY

## Office of the Administrator

## CERTAIN OFFICIALS

### Designation To Serve as Acting Community Facilities Commissioner

The officers appointed to the following listed positions in the Community Facilities Administration, Housing and Home Finance Agency, are hereby designated to serve as Acting Community Facilities Commissioner during the absence of the Community Facilities Commissioner, with all the powers, functions, and duties delegated or assigned to the Commissioner, provided that no officer is authorized to serve as Acting Community Facilities Commissioner unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Commissioner, Community Facilities Administration.
2. Assistant Commissioner for Operations and Standards.
3. Assistant Commissioner for Program Planning and Development.
4. Chief Counsel.
5. Director, Administrative Management Staff.

This designation supersedes the designation of Acting Community Facilities Commissioner effective November 9, 1960 (25 F.R. 10727).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 27th day of October 1961.

[SEAL] ROBERT C. WEAVER,
*Housing and Home Finance Administrator.*

[F.R. Doc. 61–10261; Filed, Oct. 26, 1961; 8:50 a.m.]

## ACTING URBAN RENEWAL COMMISSIONER

### Revocation of Designation

The designation of Acting Urban Renewal Commissioner to serve during a vacancy in the position of Urban Renewal Commissioner effective January 24, 1961 (26 F.R. 859, Jan. 27, 1961), is hereby revoked.

[SEAL] ROBERT C. WEAVER,
*Housing and Home Finance Administrator.*

[F.R. Doc. 61–10262; Filed, Oct. 26, 1961; 8:50 a.m.]

## CERTAIN OFFICIALS

### Designation To Serve as Acting Urban Renewal Commissioner

The officers appointed to the following listed positions in the Urban Renewal Administration, Housing and Home Finance Agency, are hereby designated to serve as Acting Urban Renewal Commissioner during the absence of the Urban Renewal Commissioner, with all the powers, functions, and duties delegated or assigned to the Commissioner, provided that no officer is authorized to serve as Acting Urban Renewal Commissioner unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Urban Renewal Commissioner.
2. Chief Counsel.
3. Assistant Commissioner for Field Operations.
4. Assistant Commissioner for Program Planning and Development.
5. Assistant Commissioner for Technical Standards.
6. Assistant Commissioner for Relocation and Community Organization.
7. Director, Administrative Management Branch.

This designation supersedes the designation of Acting Urban Renewal Commissioner effective March 31, 1960 (25 F.R. 2744).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 27th day of October 1961.

[SEAL] ROBERT C. WEAVER,
*Housing and Home Finance Administrator.*

[F.R. Doc. 61–10263; Filed, Oct. 26, 1961; 8:50 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 812–1389]

## EQUITY CORP. AND BELL INTERCONTINENTAL CORP.

### Notice of Filing of Application for Order Exempting Transactions Between Affiliates

OCTOBER 20, 1961.

Notice is hereby given that The Equity Corporation ("Equity"), New York, N.Y., a registered closed-end nondiversified management investment company, and Bell Intercontinental Corporation ("Bell"), New York, N.Y., formerly Bell Aircraft Corporation, both Delaware corporations, have filed a joint application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from

the provisions of section 17(a) of the Act the proposed transfer of the assets of two wholly-owned subsidiaries of Equity to Bell, namely Frye Manufacturing Company ("Frye"), and Southeastern Carbon Paper Company ("Southeastern") for $4,380,000 in cash plus assumption of all liabilities of Frye and Southeastern.

Applicants make the following representations:

Equity controls Bell through the ownership of 1,395,514 shares, or 50.13 percent of the outstanding common stock of Bell. Bell is engaged in the management of leased real estate and the manufacture of blast cleaning equipment, dust filtration equipment, metal bending equipment, gas valves for home appliances, and fiberglass materials for insulation.

Frye and Southeastern, both Delaware corporations, are wholly-owned subsidiaries of Equity. Frye and Southeastern produce and sell a variety of carbon papers for one-time and other uses to business and accounting forms manufacturers. Equity proposes to cause Frye and Southeastern to transfer all their assets to Bell. The application states that Equity desires to place the operations of such wholly-owned subsidiaries under the management of Bell, which is an operating company. In consideration therefor, Bell would pay to Frye $3,504,000 and to Southeastern $876,000. In addition, Bell would assume all of the liabilities of Frye and Southeastern, which amounted to approximately $1,119,308 at December 31, 1960. Bell will pay approximately 20 percent of the cash consideration at the closing date of the agreement, and the balance of 80 percent will be paid in January 1962. The apportionment of the consideration between Frye and Southeastern was based upon the ratio of the earnings of the respective companies in 1959, which approximated $292,000 for Frye and $73,000 for Southeastern. The apportionment is of little practical significance since Equity will receive the full amount of $4,380,000 on the liquidation of Frye and Southeastern.

The valuation of Frye and Southeastern was developed by an independent study made by Ebasco Services Incorporated, a management consulting firm. The businesses of Frye and Southeastern are interrelated and under the same management, and for valuation purposes, the companies were treated as a single enterprise. Combined annual net income of Frye and Southeastern for the five years 1956 to 1960 averaged approximately $578,000 before income taxes and $292,000 after income taxes. Earnings have increased steadily during this period, with the exception of 1960 when net income after taxes declined from $367,000 in 1959 to $310,000 in 1960. The decline in earnings is attributed to increased costs, including non-recurring start-up and moving expenses at certain plant sites. These non-recurring expenses reduced net income after taxes in 1960 by approximately $50,000. Exclusive of these expenses, net income would have been approximately the same as in 1959.

Bell and Equity concluded that the reasonable value of the common stock, or the net assets, of Frye and Southeastern is $4,380,000, equivalent to 12 times Ebasco's estimate of combined earning power of $365,000. The price earnings ratio of 12 chosen by Ebasco was based upon a comparative study of common stocks of manufacturers in the business forms field, in view of a lack of investor appraisals of companies solely engaged in the one-time carbon paper industry.

Section 2(a)(3) of the Act defines an "affiliated person" of another person as, among other things, any person directly or indirectly owning, controlling or holding with power to vote five percent or more of the outstanding voting securities of such other person. Section 17(a) of the Act prohibits an affiliated person of a registered investment company or any affiliated person of such a person, from selling to, or purchasing from, such registered investment company or a company controlled by it any securities or property, subject to certain exceptions not pertinent here. The Commission upon application pursuant to section 17(b) may grant an exemption from the provisions of section 17(a) if it finds that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Notice is hereby given that any interested person may, not later than November 3, 1961, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-10260; Filed, Oct. 26, 1961; 8:50 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 24, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

### LONG-AND-SHORT HAUL

FSA No. 37416: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 419), for interested rail carriers. Rates on liquid chlorine gas, iron sulphate (ferric sulphate), etc., in carloads and tank-carloads, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Intrastate rates and maintenance of rates from and to points in other states not subject to the same competition.

Tariff: Supplement 16 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

FSA No. 37418: *Cement from Rapid City, S. Dak., to points in WTL territory.* Filed by Western Trunk Line Committee, Agent (No. A-2211), for interested rail carriers. Rates on cement and related articles, in carloads, as described in the application, from Rapid City, S. Dak., to specified points in western trunk-line territory.

Grounds for relief: Market competition, and short-line distance formula.

Tariff: Supplement 44 to Western Trunk-Line Committee tariff I.C.C. A-4308.

FSA No. 37419: *Substituted service—MP and T&P for Strickland Transportation Co., Inc.* Filed by J. D. Hughett, Agent (No. 37), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Memphis, Tenn., and Little Rock, Ark., on the one hand, and Beaumont, Fort Worth, Houston, and San Antonio, Tex., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 10 to Agent J. D. Hughett's tariff MF-I.C.C. 321.

FSA No. 37420: *Soda Ash from central territory points to Hillsboro and Tampa, Fla.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2588), for interested rail carriers. Rates on soda ash, in bulk, or in bulk in bags, or in package 481, of UFC No. 6, in carloads, from specified points in Michigan, New York and Ohio, to Hillsboro and Tampa, Fla.

Grounds for relief: Market competition.

Tariffs: Supplements 212 and 56 to Traffic Executive Association-Eastern

Railroad tariffs I.C.C. A–1079 and C–102, respectively.

FSA No. 37421: *Soda Ash to Jacksonville and South Jacksonville, Fla.* Filed by O. W. South, Jr., Agent (No. A4136), for interested rail carriers. Rates on soda ash, in bulk or in bulk in bags, barrels, boxes, or pails, in carloads, from Baton Rouge and North Baton Rouge, La., and Saltville, Va., to Jacksonville and South Jacksonville, Fla.

Grounds for relief: Barge and market competition and to maintain port relationships.

Tariffs: Supplements 9 and 60 to Southern Freight Association tariffs I.C.C. S–207 and S–89, respectively.

FSA No. 37422: *Liquid caustic soda to Port Rayon, Tenn.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2589), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from specified points in Michigan, New York, Ohio, and West Virginia, to Port Rayon, Tenn.

Grounds for relief: Market competition.

Tariffs: Supplements 212 and 56 to Traffic Executive Association-Eastern Railroads tariffs I.C.C. A–1079 and C–102.

AGGREGATE-OF-INTERMEDIATES

FSA No. 37417: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 420), for interested rail carriers. Rates on liquid chlorine gas, iron sulphate (ferric sulphate), etc., in carloads and tank-car loads, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 16 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–10250; Filed, Oct. 26, 1961; 8:48 a.m.]

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[Notice 559]

## MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 24, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 35363. By order of October 20, 1961, the Transfer Board approved the lease to Jerry H. Sills, Alexandria, Va., of Certificate No. MC 31632, issued February 2, 1960, to Snowden Tranfer Company, Inc., Washington, D.C., authorizing the transportation of: Household goods, between Washington, D.C., on the one hand, and, on the other, points in Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, and New York. Alfred S. Fried, 423 Washington Building, Washington 5, D. C., attorney for applicants.

No. MC–FC 64325. By order of October 20, 1961, the Transfer Board approved the transfer to Charles J. Mettler and Rosemary J. Mettler, a partnership, doing business as Mettler Trucking, Tacoma, Wash., of Certificates Nos. MC 94578 and MC 94578 Sub 1, each issued September 8, 1954, to Al Shriner Trucking Co., Inc., Tacoma, Wash., authorizing the transportation of: Chrismas trees, between points in King, Pierce, Thurston, Mason, and Kitsap Counties, Wash., and lumber, doors, millwork, and machinery, between points in Tacoma, Wash., and lumber, between Seattle, Wash., and Tacoma, Wash. Joseph O. Earp, 1912 Smith Tower, Seattle 4, Wash., representative for applicants.

No. MC–FC 64338. By order of October 19, 1961, the Transfer Board approved the transfer to Joseph J. Craig, Blackwood, N.J., of Permits in Nos. MC 11041 and MC 11041 Sub 1, issued May 19, 1941, and March 24, 1961, respectively, to Fred Muller, Philadelphia, Pa., authorizing the transportation of: Electrical appliances and supplies, between points in Philadelphia, Pa., and, from Philadelphia, Pa., to points in New Jersey within 20 miles of City Hall, Philadelphia, Pa., and return of rejected shipments, electric and gas appliances and supplies therefor, from King of Prussia, Pa., to points in New Jersey within 20 miles of City Hall, Philadelphia, Pa., and the return of rejected shipments. Morris J. Winokur, 1920 Two Penn Center Plaza, Philadelphia 2, Pa., attorney for applicants.

No. MC–FC 64398. By order of October 19, 1961, the Transfer Board approved the transfer to Frank Bolus, doing business as Bolus Motor Lines, Scranton, Pa., of Certificate in No. MC 118388, issued August 16, 1960, to Sarkis Tulaney, Moosic, Pa., authorizing the transportation of: Bananas, from New York, N.Y., Baltimore, Md., and Philadelphia, Pa., to Kingston, Scranton, Wilkes-Barre, and Easton, Pa. Albert B. Mackarey, 133 Washington Avenue, Connell Building, Scranton, Pa., attorney for applicants.

No. MC–FC 64484. By order of October 19, 1961, the Transfer Board approved the transfer to The Ellis Motor Lines, Inc., Torrington, Conn., of Certificate No. MC 8819, issued May 29, 1941, to Joseph Clover, doing business as Clover's Express, Union, N.J., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in Essex County, N.J., on the one hand, and, on the other, points in Middlesex, Morris, Union, Passaic, Essex, and Monmouth Counties, N.J.; adding and posting machines, cash registers, and scales, between New York, N.Y., on the one hand, and, on the other, points in New Jersey; insulated copper wire, from Hillside, N.J., to New York, N.Y.; and damaged insulated copper wire, from New York, N.Y., to Hillside, N.J. John L. Collins, 49 Pearl Street, Hartford 3, Conn., attorney for applicants.

No. MC–FC 64503. By order of October 19, 1961, the Transfer Board approved the transfer to Valley Transfer & Storage Company, Inc., Allentown, Pa., of Certificates Nos. MC 81412 Sub 1, MC 81412 Sub 27, and MC 81412 Sub 29, issued March 28, 1956, July 5, 1950, and October 21, 1953, respectively, to Allen J. Schware, doing business as Valley Transfer and Storage, Allentown, Pa., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between New York, N.Y., and Newark, N.J., and points in New Jersey within 15 miles of Newark, N.J., on the one hand, and, on the other, points in Lehigh and Northampton Counties, Pa., over specified routes between Allentown, Pa., and Albany, N.Y., between Windgap, Pa., and Stroudsburg, Pa., between Saylorsburg, Pa., and Stroudsburg, Pa., between Wurtsboro, N.Y., and junction U.S. Highways 9W and 209, and between Highland, N.Y., and Albany, N.Y., serving specified intermediate and off-route points; prefabricated houses, from Allentown, Pa., to points in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont; and structural steel, from Bethlehem, Pa., to points in New York, Connecticut, Rhode Island, Massachusetts, New Jersey, Delaware, Maryland, Virginia, and the District of Columbia. George A. Olsen, 69 Tonnele Avenue, Jersey City 6, New Jersey, representative for applicants.

No. MC–FC 64574. By order of October 19, 1961, the Transfer Board approved the transfer to George W. Christoff, doing business as Penn-Del Express, West Middlesex, Pa., of Corrected Certificate No. MC 59266 issued December 11, 1956, to John H. Yourga, doing business as John H. Yourga Trucking, Wheatland, Pa., authorizing the transportation of iron and steel articles as described in Groups I, II, and II of Appendix V to the report Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, over irregular routes, from Greenville, Pa., to points in Delaware; and damaged shipments of the commodities described on return. Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C., Attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–10251; Filed, Oct. 26, 1961; 8:48 a.m.]

# CUMULATIVE CODIFICATION GUIDE—OCTOBER

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during October.**

## 3 CFR



## 5 CFR



## 6 CFR



## 7 CFR



## 8 CFR



## 9 CFR



## 10 CFR



## 12 CFR



## 13 CFR



## 14 CFR



## 15 CFR